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Regulations and Non-Regulatory Revisions to State Implementation Plan: Connecticut

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Connecticut

By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

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U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

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*Regulations and Non-Regulatory Revisions to State Implementation Plan: Connecticut, EPA-450/2-80-013, prepared under Contract 68-02-3388, July 31, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF CONNECTICUT SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
12/23/80	06/27/79	45FR84787	Revisions to Section 19 508, Regulations 1, 2, 3, 6, 8, 13, 20, 22.
12/23/80	09/08/80	45FR84787	Revisions to Section 14 164 C.
12/23/80	12/28/80	45FR84787	Revisions to Section 19 508 100.

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DEFINITIONS

"Actual Emissions" means the emission rate, after application of air pollution control equipment, of a particular pollution where the emission rate is calculated using the maximum rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the maximum rated capacity by restricting the operating rate or hours of operation of the source, or the type or amount of materials combusted or processed.

"Administrator" means the Administrator of the United States Environmental Protection Agency.

"Air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, aerosol, odorous substances, or any combination thereof, but does not include carbon dioxide, uncombined water vapor or water droplets, or molecular oxygen or nitrogen.

"Air pollution" means the presence in the outdoor (ambient) atmosphere of one or more air pollutants or any combination thereof in such quantities and of such characteristics and duration as to be, or be likely to be, injurious to public welfare, to the health of human, plant or animal life, or to property, or as unreasonably to interfere with the enjoyment of life and property.

"Allowable emissions" means the emission rate of a particular pollutant where the emission rate is calculated using the maximum rated capacity of the source, unless the source is subject to enforceable permit conditions which limit the maximum rated capacity by restricting the operating rate or hours of operation of the source, and the most stringent of the following:

(i) Applicable Standards as set forth in title 40 of the Code of Federal Regulations Part 60 and Part 6 11, as from time to time may be amended,

(ii) The applicable emission limitation under these regulations, or

(iii) The emission rate specified as a permit condition.

"Ambient air" means that portion of the atmosphere external to buildings.

"Ambient air quality standard" means any standard which establishes the largest allowable concentration of a specific pollutant in the ambient air of a region or subregion as established by the Federal Environmental Protection Agency or by the Commissioner.

"Architectural coating" means a coating used for residential or commercial buildings and their appurtenances, or industrial buildings, or other outdoor structures.

"Attainment" shall mean that the quality of the ambient air, as determined by the Commissioner, meets primary and secondary State and National Ambient Air Quality Standards for a given pollutant.

"Best available control technology" or "BACT" means an emission limitation, including a visible emission standard, based on the maximum degree of reduction for each applicable pollutant from any proposed stationary source or modification which the commissioner, on a case-by-case basis, determines is generally achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In determining BACT the Commissioner shall take into account energy, environmental and econominc impacts and other costs. In no event shall the application of BACT result in emissions of any pollutant which would exceed the emissions allowed by an applicable standard under Title 40 of the Code of Federal Regulations Part 60 and Part 61, as from time to time may be amended. In determining BACT for reconstructed source, the Commissioner shall take into account the provisions of Title 40 of the Code of Federal Regulations Part 60.15 (f)(4), as from time to time may be amended, in assessing whether a standard of performance under Part 60 is applicable to such source. If the Commissioner determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

"BTU" means British thermal unit, which is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Class I" means any area designated as such by Federal or State Government pursuant 10 Federal Regulations for the Prevention of Significant Deterioration of Air Quality, as provided in Title 40 of the Code of Federal Regulations Part 51 and Part 52, as from time to time may be amended.

"Commence" or "Commencement" as applied to construction of a stationary source or modification means that the owner or operator has all necessary permits or approvals required under Federal Air Quality Control Laws and these regulations, and has either:

(i) Begun, or caused to begin, a program of physical on-site construcion of the source:

(1) Subject to a schedule which will lead to completion in

a reasonable time, and

(2) Without any breaks in such construction of more than 18 months; or

(ii) Entered into site specific binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

"Commissioner" means the Commissioner of Environmental Protection, or the Deputy Commissioner for Environmental Quality.

"Deterioration in air quality" means that a pollutant concentration in a region or subregion for any pollutant specified in these regulations will exceed the maximum pollutant concentration for the specified time period for that region or subregion.

"Disperson technique" means any method which attempts to affect the concentration of a pollutant in the ambient air by

(i) use of that portion of a stack which exceeds the good engineering practice stack height,

(ii) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or

(iii) the manipulation of source process parameters, exhaust gas parameters, stack parameters other than height, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

The preceding sentence does not preclude the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

"Emission" means the act of releasing or discharging air pollutants into the ambient air from any source.

"Emission limitation" and "Emission standard" mean a requirement established by the commissioner or the administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement which limits the level of opacity, prescribes equipment or fuel specifications, or relates to the operation of maintenance of a source to assure continuous emission reduction.

"Excessive concentration" for the purpose of determining good engineering practice stack heights in fluid modeling studies means a maximum concentration which is greater than an ambient air quality standard, or an applicable remaining prevention of significant deterioration increment, and which is at least 40 percent in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects produced by nearby structures or terrain.

"Existing ambient pollutant concentration" means the concentration of a specific pollutant at any point in a region or subregion either as a measured or calculated value adjusted to reflect the impact of any point source or indirect source which is in construction or for which a permit to construct or operate has been issued.

"Existing indirect source" means any indirect source, the construction or modification of which is commenced prior to October 1, 1974.

"Existing point source" means any point source, the construction or modification of which is commenced prior to July 1, 1979.

"Flare" means an apparatus or contrivance for the burning of flammable gases or vapors at or near the exit of a stack, flue or vent.

"Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than through a stack.

"Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, wakes, or eddy effects which may be created by the source itself, nearby structures, or nearby terrain obstacles and shall not exceed as appropriate:

(i) 30 meters, for a stack uninfluenced by structures or terrain;

(ii) the height of the structure or nearby structure plus one and one half-times the lesser dimension (height or width) of the structure or nearby structure; or

(iii) such height as an owner or operator of a source demonstrates through the use of a field study or fluid model is necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in excessive concentrations of any air pollutant in the immediate vicinity of the source.

"Incinerator" means any device, apparatus, equipment, or structure used for destroying, reducing, or salvaging by fire any material or substance including, but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap; or facilities for cremating human or animal remains. For further definitions related to incineration, see subdivision 19-508-18 (c) (1).

"Indirect source" means any building, structure, facility installation or combination thereof, that has or leads to associated activity as a result of which any air pollutant is or may be emitted. Indirect sources include, but are not limited to: shopping centers, sports complexes; drive-in theaters or restaurants; parking lots or garages; residential, commercial, industrial or institutional buildings or developments; amusement parks and other recreational areas; highways; airports and combinations thereof.

"Indirect source construction permit" means a permit for the construction of an indirect source which is required to insure that the proposed indirect source will neither prevent nor interfere, either directly or indirectly, with the attainment or maintenance of any applicable ambient air quality standard.

"Lowest achievable emission rate" or "LAER" means the rate of emissions which reflects:

(i) The most stringent emission limitation which is contained in any state implementation plan for such class or category of source, unless such limitation cannot be achieved in practice; or

(ii) The most stringent emission limitation which is achieved in practice by such source or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable standards in Title 40 of the Code of Federal Regulations Part 60 and Part 61, as from time to time may be amended.

"Maximum pollutant concentration" means the largest concentration of a specific pollutant in a region or subregion either as a measured or calculated value, as determined by the Commissioner, for the twelve months ending on June 30, 1972. The time periods to be averaged for the purpose of establishing maximum pollutant concentrations shall be as follows: for sulfur oxides, particulate matter, and nitrogen dioxide, one year; for carbon monoxide, eight hours; for photochemical oxidants, one hour; for hydrocarbons, three hours.

"Maximum rated capacity" means the design maximum hourly capacity multiplied by 365 days per year and 24 hours per day.

"Mobile source" means a source designed or constructed to move from one location to another during normal operation and includes, but is not limited to, automobiles, buses, trucks, tractors, earthmoving equipment, hoists, cranes, mobile power generators, aircraft, locomotives operating on rails, vessels for transportation on water, lawnmowers, and other small home appliances.

"Modify" or "modification" means making any physical change in, change in the method of operation of, or addition to a stationary source which increases the potential emission rate to the ambient air of any air pollutant regulated under these regulations including any not previously emitted to the ambient air; or which increases the ambient impact on any area of the state of pollutants that are emitted to the ambient air by the source and for which dispersion models have been adopted by the Commissioner and the Administrator, e.g. a reduction in a source's stack height or a change in a source's location from one plant to another, except as provided in subparagraphs (2) and (5) below; or which increases the maximum rated processing or fuel burning capacity of the source, except that:

(1) Routine maintenance, repair, and replacement shall not be considered physical changes, and

(2) The following shall not be considered a change in the method of operation; unless previously limited by enforceable permit conditions or other legal action:

(i) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

(ii) An increase in hours of operation;

(iii) Use of an alternative fuel or raw material if such source is not subject to the requirements of subdivision 19-506-3 (k)(2) or (l)(3) and, prior to the date any standard under this part becomes applicable to such source, the affected facility is designed to accomodate such alternative fuel or material, or if such source is subject to the requirements of subdivision 19-508-3 (k)(2) and prior to January 6, 1975 the affected facility was designed to accomodate such alternative fuel or material, or if such source is subject to the requirements of subdivision 19-508-3 (l)(3) and prior to December 22, 1976 the affected facility was capable of accomodating such alternative fuel or material; or if the source is directed to change fuels by reason of an order in effect under section 2(a) and (b) of the energy supply and environmental coordination act of 1974 or any superseding legislation, or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Federal Clean Air Act.

(3) Any change, the sole purpose of which is to bring an existing source into compliance with regulations applicable to such source, shall not be considered a modification.

(4) Any change to accomodate the use of fuel derived from solid waste in an existing fossil fuel fired steam generating unit, the primary purpose of which is to generate electric power, shall not be considered a physical change or a change in the method of operation. This exemption from the definition of modification shall not be applicable to subsection 19-508-3 (k).

(5) Relocation of a stationary source within the boundary lines of one or more contiguous or adjacent properties owned by the same person or by persons under common control shall not be considered a physical change.

"Multiple-chamber incinerator" means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of two or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"Nearby" as used in the definition of good engineering practice stack height is defined for a specific terrain feature, and means that distance equal to five times the lesser of the height or width dimension of a structure or terrain feature not greater than one-half mile.

"New indirect source" means any indirect source, the construction or modification of which is commenced after October 1, 1974.

"New point source" means any point source, the construction or modification of which is commenced after July 1, 1979.

"Non-attainment" shall mean that the quality of the ambient air, as determined by the Commissioner, fails to meet any primary or secondary State or National Ambient Air Quality Standard for a given pollutant.

"Non-degradation" means that air quality in any region or designated subregion shall not deteriorate, as defined in this section.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open-burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue.

"Operator" means the person or persons who are legally responsible for the operation of a source of air pollution.

"Organic compounds" means any chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

"Particulate matter" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, the United States, or political subdivision or agency thereof or any legal successor, representative, agent, or any agency of the foregoing.

"Point source" means any mobile source, process source or stationary source which is subject to emissions rate standards or other emissions standards imposed by these regulations.

"Point source construction permit" means a permit for the construction of a point source which is required to insure (1) that the proposed point source will not be in violation of any applicable emissions rate standards imposed by these regulations and (2) that the proposed point source will neither prevent nor interfere directly with the attainment or maintenance of any applicable ambient air quality standards.

"Point source permit to operate" means a permit which is required to insure (1) that the operation of a point source will be in compliance with any applicable emissions rate standards imposed by these regulations and (2) that the operations of a point source will neither prevent nor interfere directly with the attainment or maintenance of any applicable ambient air quality standard.

"Potential emissions" means the emission rate, in the absence of air pollution control equipment, of a particular pollutant where the emission rate is calculated using the maximum rated capacity of the source unless the source is subject to enforceable permit conditions which limit the maximum rated capacity by restricting the operating rate or hours of operation of the source, or the type or amount of materials combusted or processed. For the purpose of this definition, air pollution control equipment shall not include control equipment necessary for the normal physical operation of the source. In the event that the federal definition of this term is changed for the review of sources in either attainment or nonattainment areas by federal, judicial, or administrative action, the commissioner shall use that definition which is valid under federal law.

"Process source" means any operation, process, or activity except

(1) The burning of fuel for indirect heating in which the products of combustion do not come in contact with process material,

(2) The burning of refuse, and

(3) The processing of salvageable material by burning.

"Reconstruct" or "Reconstruction" shall generally mean the renovation or re-building of a source in accordance with the provisions of title 40 of the Code of Federal Regulations Part 60.15 (f)(1)-(3), as from time to time may be amended. A reconstructed source shall be considered a new source for the purposes of these regulation. Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974, or superseding legislation, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act, or by reason or an order or rule under Section 125 of the Federal Clean Air Act, shall not be considered reconstruction.

"Region" means an Air Quality Control Region, or the Connecticut portion thereof, as defined by the Environmental Protection Agency in its Office of Air Programs publication No. AP-102.

"Residual oil" means any fuel oil of No. 4, No. 5, or No. 6 grades, as defined by Commercial Standard C.S. 12-48.

"Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

"Resource recovery facility" means any stationary source whose primary function is:

(i) The reclamation of non-combustible and/or combustible fractions of solid waste for sale or re-use, or

(ii) The production of fuel derived from solid waste, or

(iii) The direct combustion of waste for recovery of at least fifty (50) percent of the useful heat in the flue gas, or fifty (50) percent of the heat input, whichever is less.

"Soiling index" means a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet, or equivalent.

"Solid Waste" means unwanted or discarded materials, including solid, liquid, semisolid, or contained gaseous material.

"Source" means any property, real or personal, which emits or may emit any air pollutant.

"Stack" means any point of release from a source, which emits solids, liquids, or gases into the ambient air, including a pipe, duct, or flare.

"Standard conditions" means a dry gas temperature of 68 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute (20 degrees, 760 mm. Hg.).

"State" as used in the phrase "any other state" means state, region, territory, commonwealth, military reservation, or Indian reservation.

"State Implementation Plan" means a plan required by section 110 of the Federal Clean Air Act which has been approved by the Administrator.

"Stationary source" means any building, structure, facility, equipment, operation, or installation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned by or operated by the same person, or by persons under common control, which emits or may emit any air pollutant, and which does not move from location to location during normal operation.

"Submerged fill pipe" means any fill pipe the discharge opening of which is still entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

"Subregion" means a subdivision of a Region, as determined by the Commissioner.

"Tank" means any vessel for containing liquids or gases.

"Volatile organic compound" means any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, methane and ethane.

"Waste water separator" means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

Section 19-508-2.

Registration Requirements for Existing Stationary Sources of Air Pollutants

(a) Any person who on June 30, 1979, owns or operates a stationary source of air pollutants, as specified in subdivision 19-508-3 (a)(1), shall submit to the Commissioner, a stationary source registration statement and reports to be completed in accordance with instructions and on forms furnished by the Commissioner.

This requirement shall not apply to any stationary source which was previously granted a permit pursuant to Section 19-508-3, or for which a decision is pending on a permit application subject to Section 19-508-3, or for which the owner or operator previously failed to apply for and receive a valid permit pursuant to section 19-508-3, or which is already registered with the department. The owner or operator of a stationary source subject to the requirements of Section 19-508-3 prior to July 1, 1979 who failed to apply for and receive a valid permit pursuant to Section 19-508-3 shall be subject to the requirements of Section 19-508-3 in effect at the time of application for a permit.

(b) Unless the Commissioner shall otherwise determine, two or more stationary sources of a similar or identical nature in the same plant or premises shall be considered a single aggregate source for registration purposes. Two or more dissimilar stationary sources in the same plant or premises shall be considered separate sources for registration purposes.

(c) Any person who has registered a stationary source pursuant to the provisions of (a) shall inform the Commissioner on forms supplied by him of any changes in location of the source, or any alteration of the source which changes the amount of any air pollutant emitted by such source, or the installation of an air cleaning device thereon, or permanent cessation in operation of the source. Such information shall be submitted at least 120 days prior to the completion of such change or alteration or cessation of operations. The information furnished the Commissioner shall be sufficient to enable him to determine the manner in which the change will affect emissions from such source.

(insert)
days

(d) The holder of a registration certificate may not transfer it without prior written notification to the Commissioner. Each new owner or operator or holder of the registration certificate shall be responsible for complying with all applicable regulations and with the conditions of the registration.

(e) Reporting forms and instructions shall be furnished by the Commissioner for preparation of the registration statements and reports. The Commissioner shall make these forms as clear, easily understood, and concise as possible.

Section 19-508-3.

Permits for Construction and Operation of New or Modified Stationary Sources

(insert)
Permit

(a) Permit Applicability

(1) Permits under this regulation are required for the following stationary sources:

(i) Equipment used in a manufacturing process involving surface coating including but not limited to, spray and dip painting, roller coating, electrostatic depositing or spray cleaning, and in which the total quantity of coating material and solvents used is thirty (30) pounds or more in any one hour.

(ii) Equipment which is used in a manufacturing process involving metal cleaning and/or surface preparation and which is connected to a ventilation system controlling escape of air pollutants or contaminants to the workroom air, such manufacturing process including, but not limited to etching, pickling, or plating when for a wet system the individual capacity of such equipment is 1,000 gallons or more or for a dry system the actual emissions to the ambient air from the dry system equipment are greater than eight (8) tons per year; or any solvent degreasing units with a total liquid capacity of 1,000 gallons or more.

(iii) Equipment used in a manufacturing process, other than as set forth in paragraphs (a) (1) (i); (ii), (iv), (v), (vi), (vii), (viii), or (ix) in which the combined weight of all materials introduced, excluding air and water, is 2,000 pounds or more in any one hour or 16,000 pounds or more in any one day. For a cyclical or batch operation, the process weight by the number of hours in one complete operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(iv) Any liquid storage tank, reservoir, or container used for the storage of acids, violates organic compounds with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, inks, colorants, lacquers, enamels, varnishes, or liquid resins, and having a capacity of 40,000 gallons or more.

(v) Fuel-burning equipment in which the maximum heat input guaranteed by the manufacturer of such equipment is five million BTU per hour or more; or fuel-burning equipment burning solid fuels, or fuel-burning equipment burning fuel ils having a specific gravity in API degrees of 30 or less unless the maximum head input guaranteed by the manufacturer of such equipment is less than 250,000 BTU per hour.

(vi) Stationary sources used as incinerators or as afterburners for the disposal of waste gases.

(vii) All stationary industrial pneumatic solid material handling or conveying systems which are directly vented to the ambient air.

(viii) All industrial flares for the disposal of liquids or gases.

(ix) Any other stationary source, including any process, operation, equipment, or activity, except those sources which are below the thresholds established in paragraphs (a)(1)(i) through (v), which emits or causes to be emitted a total of eight tons whose total actual emissions of any air pollutant or combination of air pollutants is greater than eight (8) tons per year.

(2) Notwithstanding any provision of subdivision (a)(1), permits shall not be required for any stationary source specified thereunder whose actual emissions of any air pollutant would be less than two (2) pounds per day.

(3) Notwithstanding any provision of subdivision (a) (1) or (a) (2), permits shall be required for

(i) Any stationary source which is subject to those sections of title 40 of the code of federal regulations part 60 or Part 61, as from time to time may be amended, which the commissioner has been delegated authority to enforce by the administrator.

(ii) Any stationary source with potential emissions of 100 tons per year or more.

(4) Reconstructed stationary sources shall be considered as new stationary sources.

(5) Permits under this section shall not be required for mobile sources.

(b) Applications for Permits to Construct.

(i) Effective July 1, 1979, any person who constructs, modifies, installs or causes the construction modification, or installation of any new stationary source of air pollutants as specified under subsection (a), or modifies any existing stationary source or facility as specified under subsection (a) shall first apply for and obtain a construction permit from the Commissioner. However, this requirement shall not apply to any stationary source which was previously granted a valid permit pursuant to Section 19-508-3, or for which a decision is pending on a permit application subject to Section 19-508-3 that was in effect prior to July 1, 1979.

(ii) Any person who owns or operates a stationary source which as subject to Section 19-508-3 prior to July 1, 1979, and who failed to apply for and receive a valid permit pursuant to Section 19-508-3 in effect at the time of application for permit.

(2) The owner or operator of each stationary source described in subdivisions (b) (1) and (g) (6) shall make application for such source on forms furnished by the Commissioner. In the application the owner or operator shall include siting information; descriptions of the equipment and processes involved; a description of fuels and process materials to be used; the nature, source and quality of uncontrolled emissions; the type, size and efficiency of control facilities; and such other information as the Commissioner may require.

(3) Unless the Commissioner determines otherwise, when two or more stationary sources of a similar or identical nature are constructed or modified in the same plant or premises, they shall be considered a single aggregate stationary source and subject to interpretations under subsection (a). When two or more dissimilar stationary sources are constructed or modified, a separate permit is required for each source.

(c) Standards for Granting Construction Permits,

The Commissioner shall grant a permit to construct or modify a stationary source when he determines, upon evidence submitted by the applicant or otherwise made part of the record, that:

(1) The new or modified stationary source will operate in accordance with all applicable emissions limitations and regulations.

(2) The new or modified stationary source will operate without preventing or interfering with the attainment or maintenance of applicable State and National Ambient Air Quality Standards in Connecticut or in any other state.

(i) In order to determine compliance with this subdivision the Commissioner shall, where applicable, consider the following:

(a) The peak emissions from an operation over the appropriate time period for an applicable State or National Ambient Air Quality Standard shall be used when such time period is shorter than:

(1) The batch or cycle time for a batch or cyclical operation, or

(2) The operating time for a continuous process.

(b) The emissions from an operation shall be averaged over the appropriate time period for an applicable State or National Ambient Air Quality Standard when such time period is longer than:

(1) The batch or cycle time for a batch or cyclical operation. Successive periods of operation and down time, or a portion thereof, shall be included in such averaging, as appropriate.

(2) The operating time for a continuous process. Successive periods of operation and down time, or a portion thereof, shall be included in such averaging, as appropriate.

(3) The new or modified stationary source will operate in accordance with all applicable emission standards and standards of performance under Title 40 of the Code of Federal Regulations, Part 60 and Part 61, as from time to time may be amended, which the Commissioner has been delegated authority to enforce by the Administration.

(4) The new or modified stationary source contains, as required by the Commissioner:

(i) Sampling ports of a size, number, and location as the Commissioner may reasonably require.

(ii) Safe access to each port.

(iii) Such instrumentation to monitor and record emission data as is required by these regulations, and

(iv) Such other sampling and testing facilities as the Commissioner may reasonably require.

(5) The new or modified stationary source will operate without causing or contributing to air pollution in any other state in violation of any requirement in the applicable state implementation plan for such state to prevent significant deterioration of air quality, or to protect visibility in accordance with applicable federal visibility requirements.

(6) The owner or operator of the new or modified stationary source has paid to the department fees in accordance with a permit fee schedule to be incorporated in regulations adopted by the Commissioner.

(7) The operation of the new or modified stationary source, which has a significant impact, as defined below, on ambient air quality will not cause or exacerbate a violation of a National or State Ambient Air Quality Standard; will comply with the provisions of subdivisions (c)(2) and (c)(5); and will consume no more of the following air quality increments in an attainment area than 75 percent of the remaining 3-hour or 24-hour increment, whichever is more stringent, and no more than 25 percent of the remaining annual increment:

Pollutant	Total Air Quality Increment (µg/m^3)
Particulate Matter	
Annual Geometric Mean	19
24-Hour Average	37
Sulfur Dioxide	
Annual Geometric Mean	20
24-Hour Average	91
3-Hour Average	512

(i) In order to determine that emissions of an individual pollutant from a new or modified stationary source will have a significant impact on air quality, or that the emissions of an individual pollutant will exacerbate an existing violation of an applicable State or National Ambient Air Quality Standard, the amount of ambient impact that will be considered significant or that will exacerbate a violation is:

(i)(a) For a stationary source with allowable emissions of more than 50 tons per year and potential emissions of more than 100 tons per year of the following individual pollutants:

Pollutant	Ambient Impact (µg/m^3)
Particulate Matter	
Annual Average	1
24-Hour Average	5
Sulfur Dioxide	
Annual Average	1
24-Hour Average	5
3-Hour Average	25
Carbon Monoxide	
8-Hour Average	500
1-Hour Average	2,000
Nitrogen Dioxide	
Annual Average	1

(i)(b) For any other stationary source of the following pollutants which is subject to permit requirements:

Pollutant	Ambient Impact ($\mu g/m^3$)
Particulate Matter	
24-Hour Average	10
Sulfur Dioxide	
24-Hour Average	10
3-Hour Average	50

(ii) To determine whether the new stationary source or modification would consume more than the allowable increment or exceed the total increment in an attainment area, the Commissioner shall, through the use of air quality models approved by the Commissioner and the Administration, model the impact of the emissions from the new stationary source or modification together with: the impact of emissions from all sources in the inventory maintained by the Commissioner which commenced operation after August 7, 1977; the impact of emissions from all new stationary sources or modifications of the sizes and types defined in Paragraph (k)(1)(iv) which commenced construction on or after January 6, 1975 and which were in operation on August 7, 1977; and the impact of decreases in emissions, from all stationary sources in the inventory maintained by the Commissioner, which occurred after August 7, 1977. The resultant impact shall be compared to the increment or remainder thereof to determine compliance with this paragraph. In the event that the August 7, 1977 reference date is changed by Federal judicial or administrative action, the Commissioner shall use that date which is valid under Federal law.

(iii) If the new stationary source or modification would consume more than the allowable increment or exceed the total increment in an attainment area, or if the ambient air quality in the area is at or above the level of the total increment at the time of the application for the new stationary source or modification, the owner or operator thereof may demonstrate that he has, through legally enforceable means satisfactory to the Commissioner, achieved emission reductions from existing sources in the inventory maintained by the Commissioner located in the area of the new stationary source or modification which are sufficient to enable the new stationary source or modification to be constructed and operated without consuming the allowable increment or exceeding the total increment.

(iv) Concentrations of attainment pollutants attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, natural gas, or both, by reason of an order in effect under Sections 2(a) and (b) of the energy supply and Environmental Coordination Act of 1974, or any superseding legislation, over the emissions from such sources before the effective date of such an order shall be excluded in determining compliance with the total increment allowance for a period not to exceed five years from the effective date of the order.

(v) Concentrations of an attainment pollutant attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan shall be excluded in determining compliance with the total increment allowance for a period not to exceed five years from the effective date of the plan.

(vi) If both exclusions provided in Paragraphs (iv) and (v) above are applicable to the same stationary source, no exlusion shall apply more than five years after the later of the effective dates provided.

(8) The owner or operator of a new stationary source or modification has demonstrated that the degree of emission limitation required of the source for control of any air pollutant shall not be affected by that portion of the source's stack height that exceeds good engineering practice or by any other dispersion technique, even when the degree of emission limitation required may be economically or technologically infeasible to obtain, except that stack heights in existence or dispersion techniques implemented, prior to December 31, 1970; or coal-fired steam electric generating units, subject to Section 118 of the Federal Clean Air Act, which commenced operation before July, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974 shall not be subject to this requirement.

(i) In order to take credit for the amount of emission limitation attributable to that part of the stack height which exceeds good engineering practice, the owner or operator of the stationary source must demostrate, after public notice and opportunity for public hearing, that a greater height is necessary to prevent excessive concentrations of any pollutant in the immediate vicinity of the stationary source.

(ii) In no event may the Commissioner prohibit any increase in any stack height or restrict in any manner the stack height of any stationary source.

(9) All estimates of ambient concentrating shall be based upon the applicable air quality models, data bases, and other requirements acceptable to the Commissioner and the Administrator.

(10) In those cases where an Environmental Impact Statement (EIS) has been or will be prepared under the National Environmental Policy Act (42 U.S.C. 4321) or similar state or local laws, the Commissioner shall make use of the EIS wherever reasonably possible in order to avoid needless duplication of information gathering and analysis.

(d) Action on Applications for Construction Permits

(1) Except where a public hearing is held under subdivision (j)(4), the Commissioner shall inform an applicant for a construction permit of the decision approving or denying the application within thirty (30) days of the receipt of a complete application. The Commissioner may, on notice to the applicant, extend the time for acting on the application an additional fifteen (15) days. An application will not be deemed to have been received by the Commissioner until all papers and documents required in support of the application have been submitted in the proper form. The Commissioner must act within forty-five (45) days of receipt of a complete application.

[redacted]

(2) When a public hearing is held under subdivision (j) (4) on an application for a construction permit, the Commissioner shall inform the applicant of his decision on the application within thirty (30) days following receipt of the records of the hearing.

(3) The Commissioner shall briefly set forth in any notice of approval, conditional approval, or denial the basis for his determination.

(4) The Commissioner may impose any reasonable conditions upon an approval to construct or modify.

(5) Within thirty (30) days after receipt of an application for a permit to construct, or of any amendment to such application, the Commissioner shall advise the applicant of any deficiency in the application or in the information submitted. In the event of such a deficiency, the date of receipt of the application shall be the date on which the Commissioner received all required information.

(6) A permit to construct shall be posted for easy access at the site of construction throughout the period of such construction and shall be effective for such period as is specified by the Commissioner but not to exceed five years, subject to renewal.

(7) If construction of the stationary source will not be completed within the time specified, the holder of the permit to construct shall apply for renewal of the permit at least 120 days prior to the expiration date of the permit.

(e) Cancellation of Construction Permits.

(1) The Commissioner may cancel or revise the conditions of a construction permit if:

construction

(i) Construction or modification authorized by the permit is not begun within one year from the date of issuance or such other period as is allowed by the permit; or

(ii) During construction or modification, work is suspended for one year; or

(iii) The Commissioner determines that any provision of subsection (c) has not been or is not being met.

(f) Permits to Operate.

(1) Any person who operates or causes the operation of a new or modified stationary source shall first obtain a permit to operate from the Commissioner in accordance with the requirements of this section. Separate applications are required for those sources subject to the provisions of subdivision (g)(6).

(2) Prior to issuance of a permit to operate, the Commissioner may require the owner or operator of a new or modified stationary source to provide such additional information as he deems necessary and as has not already been included in the application for a construction permit or submitted during the course of construction.

(g) Standards for Granting Permits to Operate.

(1) The Commissioner may impose reasonable conditions on any permit to operate, including requirements beyond normal due diligence in operation and maintenance

(2) The Commissioner shall grant a permit to operate a stationary source subject subdivision (f)(1), (g) (5), or (g) (6) if he determines that:

(i) The source is in compliance with applicable regulations.

(ii) The source shall operate without preventing or interfering with the attainment or maintenance of applicable State and National Ambient Air Quality Standards in Connecticut or in any other state.

replace with

State and

(iii) The source is equipped with instrumentation to monitor and record emission data or other information about the operation of the source which satisfies the requirements of Section 19-508-4.

(iv) The new or modified source has been constructed in accordance with and meets the requirements, standards and conditions set forth in the construction permit.

(v) Performance tests conducted at the owner's or operator's expense, in accordance with methods prescribed by the Commissioner or his duly authorized representative and with his observation and participation if he so requires, demonstrate that the new or modified source has in fact met the requirements, standards and conditions of the construction permit, is in compliance with applicable regulations, and that the owner or operator of the source verifies the results in a form satisfactory to the Commissioner.

(vi) An emergency abatement or standby plan, where required, has been submitted for the source and approved by the Commissioner.

(3) In circumstances where reliable performance tests must be conducted during actual operations, the Commissioner may issue a conditional permit to commence operations. For good cause shown, such a permit may be renewed by the Commissioner for any additional period required to perform such tests. The Commissioner shall notify the owner or operator in writing of his approval, conditional approval, or denial of the point source permit to operate and the reasons therefor within thirty (30) days after receipt of an acceptable performance test report.

(4) Operating permits shall be posted for easy access at the site of operation and shall be renewed every five years, unless issued for a shorter period.

(5) The holder of a permit to operate must apply for the renewal of the permit at least 120 days prior to the permit expiration date. A request for renewal of a permit to operate must be made in writing, and shall consist of a description of any changes made to the source since the last permit to operate, or renewal thereof, was issued which would constitute a change in the data provided in the original application or subsequent renewals.

(6) Any person who operates or causes the operation of a source specified in Subdivision (a)(1) of the regulations which were in effect prior to July 1, 1979, the construction of which commenced prior to June 1, 1972, but which did not begin operation prior to October 1, 1972 is required to obtain a permit to operate from the Commissioner in accordance with the requirements of this Subsection.

(7) Applications pursuant to subdivision (g)(6), must be made at least 120 days prior to the start-up of operations.

(8) If, following issuance of a notice by the Commissioner that a permit to operate is due to expire, the owner or operator of the permitted stationary source fails to apply for a renewal of the permit to operate prior to the expiration date of such permit, then upon expiration of the permit, the allowable emissions from the source shall be eliminated from the inventory maintained by the Commissioner and prior to reactivation of the source, the owner or operator must apply for permits as a new stationary source, subject to all applicable requirements under these regulations.

(h) Transfer of Permit to Operate.

The holder of a permit to operate may not transfer it without prior written notification to the Commissioner. Each new owner or operator or holder of the permit shall be responsible for complying with all applicable regulations and with the conditions of the permit.

(i) Denial, Revocation or Change in the Conditions of Operating Permits.

(1) The Commissioner may deny, revoke, or change the conditions of an operating permit for failure to comply with the terms of subdivisions (g) (1) and (g) (2).

(2) Notice of denial, revocation, or change in the conditions of either a construction or an operating permit shall set forth the reasons for the action taken and shall be effective thirty (30) days after the date of service of the notice, unless a hearing is requested prior to the expiration of the thirty (30) day period.

(3) Any person considering himself aggrieved by the notice of denial, revocation or modification may consider the notice a written order of violation under subdivision 19-508-12 (b) (2), and may obtain a hearing thereon by filing a written answer and request for a hearing in accordance with subdivision 19-508-12 (b) (5). Filing of the answer and request for the hearing shall postpone the effective date of the notice until conclusion of the hearing and issuance of the decision of the Commissioner.

(j) Public Information and Hearing Procedures.

(1) In all cases where legal notice is required pursuant to any section of these regulations, the applicant shall publish at his own expense all notices required.

(2) The Commissioner shall inform the public of:

(i) All permit applications received for stationary sources subject to provisions of subdivision (b) (1) or (g) (6);

(ii) The opportunity for public comment on any permit application for a stationary source subject to the provisions of subdivision (b)(1) or (g)(6) or paragraph (c)(8)(i),

(iii) All decisions approving, denying, or conditionally approving any permit for a stationary source which is subject to the provisions of subdivision b(1) or g(6).

(3) While a decision is pending on a permit application for sources subject to the provisions of subdivision (b)(1) or (g)(6) any person may file, within a 15-day period following the public notice of receipt of a permit application, a written objection setting forth the basis thereof in detail with the Department of Environmental Protection and opposing the approval of the permit in its entirety or requesting that specific conditions be attached to it. Objection may be accompanied by a request for a public hearing.

(4) Following receipt of a request for a hearing by 25 or more people or by an association representing 25 or more members according to subdivision (j)(3) or upon his own initiative, the Commissioner may, prior to the issuance of the permit, hold a public hearing. Following the close of the hearing, the Commissioner shall make a decision

based on all available evidence, including the record of the hearing and the recommendation of the hearing examiner, as to whether to approve, deny, or conditionally approve the permit. Notice of such decision shall be published according to subdivisions (j)(1) and (j)(2).

(5) Opportunity for public comment required by subdivision (j)(2) includes as a minimum:

  (i) A notice by advertisement in a newspaper of general circulation in the region affected of the application for a permit;

  (ii) Availability for public inspection in the office of the director of air compliance of the information submitted by the owner or operator and of the analysis by the Commissioner or his designee of the effect on air quality; and

  (iii) A 15-day period from the date of the notice required by (j)(5)(i) for submittal of public comment.

(k) has been omitted here 'as no action' was taken on this section in the EPA rulemaking on 12/23/80.

(l) Non-attainment areas

(1) (i) In addition to demonstrating compliance with the requirements of subsections (a) through (k) and (k) for new stationary sources and modifications, the owner or operator of a new stationary source or modification, which has potential emissions of an individual non-attainment pollutant of 100 tons per year or more, and allowable emissions of the same non-attainment pollutant of at least 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive, and which is located in an area which has been designated non-attainment by the Commissioner with respect to an applicable national or state ambient air quality standard, must also demonstrate that such new stationary source or modification will comply with the requirements of subdivision (l)(3) with respect to that pollutant.

(ii) In addition to demonstrating compliance with the requirements of subsections (a) through (i) and (k) for new stationary sources and modifications, the owner or operator of a new stationary source or modification, which has potential emissions of an individual non-attainment pollutant of 100 tons per year or more, and allowable emissions of the same non-attainment pollutant of at least 50 tons per year, 1000 pounds per day, or 100 pounds per hour, whichever is most restrictive, and which is located in an area where neither a national nor a state ambient air quality standard for that particular pollutant is being violated, and which would cause or exacerbate, as defined in subdivision (c)(7), a violation of either a national or state ambient air quality standard for such pollutant in an adjacent non-attainment area must demonstrate that the proposed source or modification will comply with the requirements of subdivision (l)(3) with respect to that pollutant.

(iii) For the purpose of subsection (l), to determine whether a modification exceeds the thresholds of 100 tons per year of potential emissions and 50 tons per year, 1,000 pounds per day, or 100 pounds per hour of allowable emissions, the Commissioner shall take into account all accumulated potential emissions occurring at the stationary source since July 1, 1979 or since the date of the last permit approval for the stationary source under subsection (l), whichever time is more recent, and all accumulated allowable emissions occurring at the stationary source since December 21, 1976 or since the date of the last permit approval for the stationary source under subsection (l) or under the administrator's emission offset interpretive ruling of December 21, 1976 (41 FR 55524), as amended on January 16, 1979 (44 FR 3274), whichever time is most recent.

(iv) The requirements of subdivision (l)(3) shall not apply to a new stationary source or modification that was subject to the review requirements of the administrator's emission offset interpretive ruling of December 21, 1976 (41 FR 55524), as amended on January 16, 1979 (44 FR 3274), for review of new stationary sources and modifications.

(v) When an identifiable piece of equipment within a stationary source is modified but not reconstructed, the requirements of subdivision (l)(3) shall not apply if no net increase in emissions of a non-attainment pollutant would occur at the stationary source, taking into account all emissions increases and decreases at the stationary source which would accompany the modification, and if no adverse ambient air quality impact would occur. However, this exemption shall not be applicable where an identifiable piece of equipment which itself has potential emissions of 100 tons per year and allowable emissions of at least 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, whichever is most restrictive, is added to or reconstructed at a source, whether the purpose of the modification or reconstruction is to replace production capacity or for growth.

(vi) The requirements of paragraphs (l)(3)(ii) and (iii) may be waived for a resource recovery facility, if it can be demonstrated that the operation of the facility would not cause or exacerbate a violation of the primary National or State Ambient Air Quality Standard for particulate matter, lead, nitrogen dioxide, or sulfur dioxide and would produce a significant net environmental improvement to the satisfaction of the Commissioner.

(vii) Notwithstanding the provisions of paragraphs (i) and (ii) above, the requirements of paragraphs (l)(3)(ii) and (iii) shall not apply to any non-attainment pollutant for which the Commissioner has submitted an approved state implementation plan which demonstrates attainment by the deadlines of the Federal Clean Air Act and expressly identifies and quantifies the emissions of any such pollutant which will be allowed to result from construction and operation of new stationary sources or modifications which would be subject to the provision of subdivision (l)(3).

(2) Analysis of alternatives

(i) Prior to issuance of any permit for construction of a new stationary source or modification subject to the requirements of subdivision (l)(3) in an area where there is a violation of a primary National or State Ambient Air Qualty Standard for either ozone or carbon monoxide, an analysis will be required of alternative sites, sizes, production processes, and environmental control techniques which are available and reasonable for such proposed source or modification. Such analysis shall be performed with respect to ozone and carbon monoxide and shall demonstrate that the benefits of the proposed source significantly outweight the environmental and social costs imposed as a result of its location, construction or modification.

(3) Requirements

(i) Control technology review

A new stationary source or modification subject to the provision of this subsection shall comply with the lowest achievable emission rate (LAER) for each pollutant which is emitted in excess of the emission threshold established in paragraphs (l)(1)(i) and (ii) and which will have a significant impact, as defined in subdivision (c)(7), on an area designated nonattainment for that pollutant. However, if the source is modified intermittently and any of the intermittent modifications has not previously been subject to the requirements under this paragraph, the Commissioner shall consider the stage of construction of each such intermittent modification and the ability of the source to install additional control equipment at the time the source becomes subject to the requirements of this subsection.

(i) (a) In no event shall the specified lowest achievable emission rate result in the emission of any pollutant in excess of the amount allowble under the applicable federal standards for new sources under Title 40 of the Code of Federal Regulations Part 60 and Part 61, as from time to time may be amended.

(i) (b) The requirement for the lowest achievable emission rate shall apply to a new stationary source or modification subject to the provisions of this subsection regardless of its location in the nonattainment region.

(ii) Emission offsets

Emission reductions, hereafter "offsets", of an applicable pollutant from existing sources in the area of a proposed stationary source or modification subject to the provisions of subdivision (1)(3) are required. The offsets must be such that, by the time the proposed source is to commence operation, total allowable emissions from existing sources in the region, from new or modified stationary sources under construction which are not subject to subdivision (1)(3), and from the proposed stationary source will be sufficiently less than the total emissions from existing stationary sources allowed under these regulations prior to the filing of the permit application, so as to represent reasonable further progress toward the attainment of the applicable National or State Ambient Air Quality Standard.

(ii) (a) The new stationary source or modification will be allowed offset credit only for emission reductions which otherwise would not be accomplished as a result of the regulations in effect at the time of the application for a permit to construct under these regulations, notwithstanding that such reductions may have qualified as offsets at some earlier time. No offset credit is available if the effect of an emission reduction is simply to bring a stationary source into compliance with these regulations.

(ii) (b) The owner or operator of the new stationary source or modification may propose offsets which involve reductions from stationary sources conrolled by the source owner or which involve reductions from stationary sources controlled by others.

(ii) (c) The emission reduction committed to must be incorporated a revised permit or other legally enforceable document applicable to the stationary source producing such reduction and must be accomplished by the time the proposed stationary source is to commence operation.

(ii) (d) The state or any political subdivision thereof may commit to reducing emissions from existing sources to sufficiently outweigh the impact of the proposed stationary source. For such emission offsets, several different stationary sources may be allowed to construct as a result of a general state implementation plan revision.

(ii) (e) If the emission reduction committed to is in excess of the minimum required to produce the necessary reduction which would authorize construction, the excess reduction will be eligible for consideration as a future offset for the applicant or subsequent holder of such offset rights.

(ii) (f) Emission offsets must be greater than one-to-one and must produce a new air quality benefit, as defined in paragraph (iii) below, and the owner or operator must meet all other applicable federal and state requirements.

(ii) (g) For a new stationary source or modification, otherwise subject to the provisions of subdivision (l)(3), whose ambient air quality impact would not be significant, as defined in subdivision (c)(7), or whose ambient air quality impact would be significant but would not cause or exacerbate a violation of a State or National Air Quality Standard, emission offsets are not required.

(ii) (h) The offsets must be transacted on a pounds per hour actual basis. The Commissioner shall consider other averaging periods, e.g. tons per year and pounds per day, in addition to the pounds per hour basis if necessary to carry out the intent of this paragraph.

(ii) (i) The reductions must come from the emissions inventory maintained by the Commissioner, or they must otherwise be approved by the Commissioner and the administrator.

(ii) (j) Only intrapollutant emission offsets will be acceptable, e.g., particulates for particulates.

(ii) (k) Offsets for all pollutants must come from the Connecticut portion of the region in which the proposed stationary source is located except that offsets for volatile organic compounds may come from anywhere in the state.

(ii) (l) When a stationary source in the inventory maintained by the Commissioner ceases operations and either the permit is not renewed by the owner or operator pursuant to subdivision (g)(5) of these regulations, or the permit or the registration certificate for the allowable emissions from that source has not been transferred to a subsequent holder pursuant to subsection 19-508-3(h) or subsection 19-508-2(d), respectively, the allowable emissions from the source shall be eliminated from the inventory maintained by the Commissioner and shall revert to the Connecticut Department of Economic Development for subsequent use as offset credit. In determining whether a stationary source has ceased operations for the purposes of this subparagraph, the Commissioner shall consider such factors as the lay-off of employees, the removal of equipment, failure to make tax payments due, failure to renew licenses and permits necessary to continue business activity in the state, initiation of bankruptcy proceedings, and other factors as may be relevant under the circumstances. No stationary source shall be found to have ceased operations for the purposes of this paragraph if the emitting machinery and equipment are retained at the source, taxes continue to be paid thereon, and the owner or operator requests that the allowable emissions from the source not be removed from the inventory maintained by the Commissioner. Prior to eliminating a stationary source's allowable emissions from the inventory on the grounds that the source has ceased operations, the Commissioner must notify the owner or operator of his intent. Within thirty (30) days of such notice, the owner may request a hearing for the purpose of establishing that the source has not ceased operations, as defined above. Upon such request the Commissioner shall hold a hearing and shall within sixty (60) days of the completion of the hearing notify the petitioner of his decision. The notice and hearing provided above shall not be required where allowable emissions are eliminated from the inventory following expiration of a permit, as provided in subdivision (g)(8).

(iii) Air Quality Review

(iii) (a) Emission offsets must provide a positive net air quality benefit in the affected area. Such benefit shall be determined by atmospheric modeling or other procedure approved by the Commissioner.

(iii) (b) A net air quality benefit is required only for a new stationary source or modification subject to the provisions of subdivision (l)(3) which would cause or exacerbate a violation of a State or National Ambient Air Quality Standard.

(iii) (c) A net air quality benefit is demonstrated when the maximum impact of the emissions to be reduced is greater than the maximum impact of the emissions from the new stationary source or modification by at least 11 micrograms/cubic meter (24-hour average) for particulates and by at least 550 micrograms/cubic meter (8-hour average) for carbon monoxide and occurs over the same basic area of population impact of the new stationary source or modification.

(iii) (d) A new stationary source or modification subject to the provisions of subdivision (l)(3) shall be exempt from the requirements of paragraphs (ii) and (iii) above if the source would terminate operations permanently or relocate out of a non-attainment area within two years from the date of initial operation.

(iv) Source Obligation

(iv) (a) The owner or operator of the proposed new stationary source or modification subject to the provisions of subdivision (l)(3) must demonstrate that all stationary sources owned, operated or controlled by him in the state are in compliance, or are on a schedule of compliance, with all applicable emission limitations and standards.

(iv) (b) In addition, the applicant must demonstrate that all enforcement orders for stationary sources owned or operated by the applicant in the Connecticut portion of the same region as the proposed new stationary source or modification subject to the provisions of subdivision (l)(3) are on the most expeditious compliance schedule practicable. Where practicable, a more expeditious compliance schedule must be required as an enforceable condition of the new stationary source permit.

(v) Public Participation

The owner or operator of a new stationary source or modification subject to the provisions of subdivision (l)(3) shall comply with the public participation requirements set forth in paragraph (k)(2)(vii).

(vi) Source Information

The owner or operator of a proposed stationary source or modification subject to the provisions of subdivision (l)(3) shall submit all information necessary to perform any analysis or make any determination under this subsection, as set forth in paragraph (k)(2)(vi).

Section 19-508-4

Source Monitoring, Record Keeping and Reporting and Authorization Inspection of Air Pollution Sources

(a) Source Monitoring

(1) The owner or operator of any air pollution source shall install, use and maintain monitoring equipment, establish and maintain records, and make periodic reports as

prescribed herein by the Commissioner.

(2) In addition the the requirements of subsections (b) and (c), the Commissioner may require the owner or operator of any source to monitor continuously air pollutant emissions where he determines that equipment and methods for such monitoring are reasonably available. The Commissioner may determine that continuous monitoring of air pollutant emissions is not technologically feasible. In such cases, the Commissioner may require monitoring or intermittent stack testing of such source in whatever reasonable manner he determines to be necessary to demonstrate the source is in compliance with applicable regulations.

(3) Nothing in subsections (a)(1) and (a)(2) shall be construed to require installation or use of monitoring devices or methods on any source for the purpose of determining compliance with applicable regulations when such source can be demonstrated, to the satisfaction of the Commissioner, to be physically incapable of violating such regulations.

(b) Smoke and Opacity Monitoring

(1) Effective January 1, 1976, the owner or operator of any of the following sources shall install, maintain and operate a smoke and opacity monitor approved in accordance with subsection (d)(1):

(i) Fuel-burning equipment burning No. 6 coal;

(ii) Fuel-burning equipment burning liquid or solid fuels having a maximum rated heat input of five million (5,000,000) BTU per hour or more;

(iii) Incinerators having a maximum rated input in excess of two thousand (2,000) pounds per hour;

(iv) A process source emitting in excess of twenty-five (25) pounds per hour of particulate matter as determined after the application of control equipment, when operated at maximum rated capacity.

(v) Fuel-burning equipment burning No. 6 residual oil.

(2) The provisions of subsection (b)(1)(i) shall not apply to:

(i) Any coal burning space heater which was installed in any single family home on or before May 1, 1975 provided only anthracite coal with a sulfur content of less than 0.75% by weight (dry basis) is used for fuel.

(ii) Any coal burning equipment in a commercial establishment in regular operation on or before May 1, 1975, provided only anthracite coal with a sulfur content of less than 0.75% by weight (dry basis) is used for fuel and that less than seventy-five (75) tons per year is consumed.

(iii) Any coal burning equipment used primarily for educational or historical demonstrations or exhibits. These sources shall include, but are not limited to, blacksmiths' forges, steam locomotives, and steamboats provided, however, that said sources do not burn fuel which contains sulfur in excess of one and one-half percent (1.5%) by weight (dry basis).

(3) The provisions of subsections (b)(1)(iii) and (b)(1)(v) shall not apply to:

(i) Standby fuel burning equipment which is used only to provide emergency heat or power and which operates not more than a total of one hundred sixty-eight (168) hours in any calendar year. The Commissioner may request such proof and reports of operations as he deems necessary.

(ii) Gas turbines equipped with any smoke control apparatus which, in the Commissioner's judgement, is adequate to prevent visible discharge of an opacity greater than that designated as No. 1 on the Ringelmann Chart, or 20% opacity.

(4) The owner or operator of any source listed in subsection (b) (1) who on or before September 1, 1974 has installed and continues to properly operate a smoke and opacity detector and recorder not approved by the Commissioner shall not be required to install a smoke and opacity monitor approved by the Commissioner until January 1, 1985. The Commissioner may request such proof of Date of Purchase as he deems necessary.

(5) The Commissioner may revoke or modify an exemption under subsections (a)(3), (b)(2)(ii) and (iii), (b)(3) and (b)(4) ~~if it~~ is determined that repeated violations of subsection 19-508-18 (a) or violations of any specific applicable conditions in these exemptions have occurred or if it is determined that operation of the source will prevent or interfere with the attainment or maintenance of applicable ambient air quality standards, create a health hazard or create a nuisance.

(c) Record Keeping and Reporting

(1) The Commissioner may require the submission of any records or reports of monitoring data and other information as he deems necessary to fulfill the purpose and policies contained in these regulations. Such record keeping and reporting may be required of any point source or any indirect source of air pollution. Records and reports required by the Commissioner concerning air pollutants, fuels, and operational information shall be recorded, complied and submitted on forms furnished or prescribed by the Commissioner and shall be signed or verified in writing by a ranking corporate office

of managing official with offices located in the state. Such signature shall constitute personal affirmation that such officer has exercised due diligence in verifying the accuracy of the record or report and that, to the best of his knowledge and belief, the record and report is true, complete, and complies fully with applicable state requirements. Such signature shall subject the responsible official to liability for false or misleading statements.

(2) Any monitoring data required of any source under subsection (a) or (b) of this section shall be kept current and in a form allowing easy inspection and shall be retained by the source for a period of three years.

(3) The owner or operator of any source described in subsection (b)(1) with the exception of fuel burning equipment having a maximum gross heat input capacity of less than two hundred fifty million (250,000,000) BTUs per hour, shall submit to the Commissioner on forms furnished or prescribed by him a a report summarazing opacity monitoring data for the preceding three months. Such reports shall be due not later than thirty (30) days following the end of each calendar quarter.

(d) Approved Monitors

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(1) The Commissioner shall, for time to time, publish the design, performance, and installation specifications for an approvable smoke and opacity monitor. No smoke and opacity monitor shall be considered approved until the manufacturer has submitted evidence that the monitor meets all specifications required by the Commissioner and until an independent laboratory verifies that a randomly selected instrument of instruments representative of the instrument for which approval is sought, meets all specifications required by the Commissioner. The Commissioner reserves the right to disapprove any monitor and to revoke his previous approval if he believes that the monitor will not, in fact, meet his specifications.

(e) Operation

(1) Equipment as may be required pursuant to this section shall be maintained in operation at any time that the source is in operation.

(2) Except for necessary maintenance, no person shall deliberately shut down any monitoring device or method required under these regulations while the source being monitored is in operation or is emitting air pollutants.

(3) In the case of deliberate shutdown or of breakdown or failure of any monitoring device or method during which time the source will be in operation, all reasonable measures shall be taken to assure resumption of monitoring as soon as possible. In the event such shutdown of monitoring equipment is expected, or may reasonably be expected, to continue for longer than 72 hours, and if the source is to be operated at any time during that period, the Commissioner shall be promptly notified in writing. Such notification shall specify the steps being taken to restore monitoring, the expected duration of the monitoring shutdown, and the length of time that the source will be in operation during the shutdown.

(4) Failure of any monitoring equipment in no way relieves the owner or operator of any source from the responsibility to comply with applicable air pollutant emission regulations or standards.

(5) It shall be a violation of these regulations to adjust or alter any monitoring device or method so as to falsify its readings or results.

(f) Source Inspection

(1) The Commissioner or his designated agent, upon presentation of his credentials, may:

(i) Enter at all reasonable times upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of these regulations, in accordance with constitutional limitations;

(ii) At reasonable times have access to records and may obtain copies thereof; and

(iii) At any reasonable time inspect any monitoring equipment or method and sample any emissions.

Section 19-508-5

Methods for Sampling, Emission Testing, and Reporting

(a) All sampling, emission testing, and reporting shall be done in accordance with procedures prescribed by the Commissioner from time to time by regulation.

(b) Sampling and Emission Testing Methods.

(1) Analysis for the sulfur content of liquid fuels shall be done according to the most current American Society for Testing and Materials methods D 129 or D 1552.

(2) Analysis for sulfur content of solid fuel shall be done according to the most current American Society for Testing and Materials methods:

(i) Mechanical sampling by method D 2234

(ii) Sample preparation by method D 2013

(iii) Sample analysis by method D 3176 or D 3180

(3) The emission testing method for sulfur dioxide emissions from stationary sources shall be that specified as Method 6 in Title 40 Code of Federal Regulations Part 60.

(4) The emission testing method for sulfur oxides emissions from sulfuric acid plants, and from any other source as the Commissioner shall determine by regulation, shall be that specified as Method 8 in Title 40 Code of Federal Regulations Part 60.

(5) The emission testing method for particulate emissions from all stationary sources shall be that specified as Method 5 in Title 40 Code of Federal Regulations Part 60.

(6) Emissions tests for organic compound emissions shall be conducted in a manner approved by the Commissioner.

(7) The emission testing method for nitrogen oxide emissions from stationary sources shall be that specified as Method 7 in Title 40 Code of Federal Regulations Part 60.

(c) All emissions tests undertaken to comply with this section shall be made under the direction of persons qualified by training or experience in the field of sampling emissions from air pollution sources.

(d) Sampling and emission testing methods as specified in subsection (b) may be modified or adjusted with the approval of the Commissioner as required by the specific sampling conditions or needs and in accordance with good engineering practice, judgment and experience.

(e) (1) The owner or operator of a source of air pollution which would emit 100 tons per year or more of air pollutants if operated without the use of air pollution control equipment shall be required to carry out emission tests as prescribed by the Commissioner. Such test or tests shall be conducted at such intervals as the Commissioner may specify for an individual source. As used in this subsection "Air pollution control equipment" includes but is not limited to: baghouses; cyclone type separators; electrostatic precipatators; fume incinerators; scrubbers and combinations thereof.

(2) In addition to the emission tests required in subsection (e)(1) the Commissioner may require the owner or operator of any air pollution source to conduct emission tests of emissions. Tests required under the provisions of subsection (e)(1) and this subsection shall be conducted in a manner satisfactory to the Commissioner and shall be conducted at the expense of the owner or operator of the pollution source being tested, and the Commissioner or his representative

shall be entitled to observe the tests, including initial sampling, subsequent laboratory analysis and other related procedures.

Section 19-508-6

Air Pollution Emergency Episode Procedures

(a) When air pollution concentrations monitored by the Department of Environmental Protection indicate that short term high pollutant levels may be expected which are likely to have an adverse impact on health, the Commissioner shall prepare for the declaration of an appropriate air pollution emergency episode.

(b) Industrial Emergency Episode Criteria

In determining that any stage of an air pollution industrial emergency episode exists, the Commissioner shall be guided by the following criteria:

(1) First Stage: Industrial Air Pollution Alert.

An air pollution industrial alert shall be declared whenever the concentration of one or more of the pollutants listed below reaches the described level at any monitoring site operated by the Department of Environmental Protection:

SO_2: 800 $\mu g/m^3$ (0.3 ppm), 24 hour average.

Or

Particulate: 3.0 COHs or 375 $\mu g/m^3$, 24-hour average.

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SO_2 and particulate combined: product of SO_2 ppm, 24-hour average, and COHs equal to 0.2; or product of SO_2 $\mu g/m^3$, 24-hour average, and particulate $\mu g/m^3$, 24-hour average equal to 65 x 10^3.

NO_2: 1130 g/m^3 (0.6 ppm), 1-hour average, 282 $\mu g/m^3$ (0.15 ppm), 24-hour average,

and meteorological conditions are such that the pollutant concentrations can be expected, unless control actions are taken, to remain at the above levels or increase over a period of twelve (12) or more hours or such other length of time determined by the Commissioner to constitute a threat to the safety and welfare of people.

(2) Second Stage: Industrial Air Pollution Warning.

An industrial air pollution warning shall be declared whenever one of the following levels is reached at any monitoring site operated by the Department of Environmental Protection:

SO_2: 1,600 $\mu g/m^3$ (0.6 ppm), 24-hour average.

Particulate: 5.0 COHs or 625 $\mu g/m^3$, 24-hour average.

SO_2 and particulate combined: product of SO_2 ppm, 24-hour average and COHs equal to 0.8; or product of SO_2 $\mu g/m^3$, 24-hour average and particulate $\mu g/m^3$, 24-hour average equal to 261 x 10^3.

NO_2: 2,260 µg/m^3 (1.2 ppm), 1-hour average;
565 µg/m^3 (0.3 ppm), 24-hour average,

and meteorological conditions are such that pollutant concentrations can be expected, unless control actions are taken, to remain at the above levels or increase over a period of twelve (12) or more hours or such other length of time determined by the Commissioner to constitute a threat to the safety and welfare of people.

(3) Third Stage: Industrial Air Pollution Emergency

An industrial air pollution emergency shall be declared whenever evidence shows that air quality has degraded to a level deemed unacceptable by the Commissioner under any circumstances and requiring the most stringent control actions. An industrial air pollution emergency shall be declared when any one of the following levels is reached at any monitoring site operated by the Department of Environmental Protection

SO_2: 2,100 µg/m^3 (0.8 ppm), 24-hour average.

Or

Particulate: 7.0 COHs or 875 µg/m^3, 24-hour average.

SO_2 and particulate combined: product of SO_2 ppm, 24-hour average and COHs equal to 1.2; or product of SO_2 µg/m^3, 24-hour average and particulate µg/m^3, 24-hour average, equal to 393 x 10^3.

NO_2: 3,000 µg/m^3 (1.6 ppm), 1-hour average;
750 µg/m^3 (0.4 ppm), 24-hour average,

and meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours or such other length of time determined by the Commissioner to justify air industrial air pollution emergency.

and particulate µg/m^3, 24-hour average

(4) Termination.

Once any stage of an industrial air pollution emergency episode has been declared, it shall remain in effect until the Commissioner announces its termination.

(c) Plans of Action at Each Stage of An Industrial Air Pollution Emergency Episode.

(1) First Stage: Industrial Air Pollution Alert.

shall as rapidly as possible

Whenever the Commissioner declares an industrial air pollution alert, persons responsible for the operation of a source of air pollution shall as rapidly as possible take all required steps for pollution reduction as described in Table I. Persons responsible for the operation of a source of air pollution which emits, or has the capacity to emit, more than 100 tons of pollutants per year, as determined before the application of control equipment, shall put into effect the preplanned abatement strategy for an industrial air pollution alert.

TABLE I

Steps For Air Pollution Reduction at an Industrial Air Pollution Alert

1. There shall be no open burning, except as authorized by the Commissioner in writing to safeguard public health and safety.

2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12 noon and 4 p.m.

3. Boiler lancing or soot blowing required for fuel burning equipment shall be performed only between the hours of 12 noon and 4 p.m.

Table I (continued)

4. Fuels having low ash and sulfur content shall be used.
5. Electric power generation shall, whenever possible, be diverted to facilities outside the alert area.
6. Steam load demands shall be reduced.
7. Manufacturing operations shall be curtailed, postponed, or deferred.
8. Trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances shall be deferred.
9. Heat load demands for processing shall be reduced.

(2) Second Stage: Industrial Air Pollution Warning.

Whenever the Commissioner declares an industrial air pollution warning, persons responsible for the operation of a source of air pollution shall as rapidly as possible take all required steps for pollution reduction as described in Table II. Persons responsible for the operation of a source of air pollution which emits, or has the capacity to emit, more than 100 tons of pollutants per year, as determined before the application of control equipment, shall put into effect the preplanned abatement strategy for an air pollution industrial warning.

TABLE II

Steps for Air Pollution Reduction
At an Air Pollution Industrial Warning

1. There shall be no open burning except as authorized by the Commissioner in writing to safeguard public health and safety.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

Table II (continued)

3. Boiler lancing or soot blowing required for fuel burning equipment shall be performed only between the hours of 12 noon and 4 p.m.

4. All unessential operation of motor vehicles shall be terminated.

5. Electric power generation shall, to the maximum extent possible, be diverted to facilities outside the warning area.

6. Steam load demands shall be reduced the maximum extent possible.

7. Manufacturing operations shall be ceased, curtailed, postponed, or deferred.

8. Trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances shall be deferred.

9. Heat load demands for processing shall be reduced the maximum extent possible.

(3) Third Stage Industrial Air Pollution Emergency

Whenever the Commissioner declares an industrial air pollution emergency, persons responsible for the operation of a source of air pollution shall immediately take all required steps for pollution reduction as described in Table III, persons responsible for the operation of a source of air pollution which emits, or has the capacity to emit, more than 100 tons of pollutants per year, as determined before the application of control equipment shall put into effect the preplanned abatement strategy for an industrial air pollution.

TABLE III

Steps for Air Pollution Reduction at an Industrial Air Pollution Emergency

1. There shall be no open burning, except as authorized by the Commissioner in writing to safeguard public health and safety.
2. The use of incinerators for the disposal of any form of solid or liquid wate shall be prohibited.
3. All enterprises and activities described below shall immediately cease operations:
    a. Mining and quarrying.
    b. All construction work except that essential to secure sites against endangering life and limb.

Table III (continued)

c. All manufacturing establishments except those involved in combatting the air pollution emergency in accordance with preplanned abatement strategies.

d. All wholesale trade establishments, i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies and food.

e. All state and local government offices except those necessary for public safety and welfare, including any involved in combatting the industrial air pollution emergency.

f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.

g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.

h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studies; beauty shops, barber shops, shoe repair shops.

i. Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories.

j. Automobile repair and servicing and all parking and garage operations.

k. All office, clerical and professional service enterprises including law and accounting offices but excluding doctors' offices and medical laboratories.

l. All schools of any kind.

m. Establishments rendering amusement and recreational services including motion picture theaters.

Table III (continued)

4. All commercial, manufacturing or service establishments not shut down by this regulation shall institute such actions as will result in maximum reduction of air pollutants from their activities by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.

5. The use of motor vehicles of any kind shall cease except in emergencies with the express approval of local or state police.

(d) Preplanned Abatement Strategies.

(1) Any person responsible for the operation of a source of air pollutants that emits or has the capacity to emit 100 tons or more of pollutants a year as determined before the application of control equipment, shall prepare a standby plan for reducing the emission of air pollutants during each of the three stages of an industrial air pollution emergency episode, i.e., Industrial Alert; Industrial Warning; Industrial Emergency. Standby plans shall be designed to reduce or eliminate emission of air pollutants in accordance with the requirements set forth in Table I - III.

(2) Any person responsible for the operation of a source of air pollutants not set forth under subdivision (d) (1) shall, when requested by the Commissioner, prepare standby plans for reducing the emissions of air pollutants during each of the four stages of an Industrial air pollution emergency episode. Such standby plans shall be designed to reduce or eliminate emissions of air pollutants in accordance with the requirements set forth in Tables I - III.

(3) All standby plans shall be in writing, identify the source of air pollutants, contain a commitment as to the amount of reduction to be achieved, and set forth in sufficient detail for the Commissioner to evaluate the manner in which the reduction will be accomplished.

(4) During any Industrial Air Pollution Emergency Episode standby plans shall be made available on the premises to persons authorized to enforce these regulations.

(5) The standby plans required by subdivision (d) (1) shall be submitted to the Commissioner by August 1, 1972. Standby plans requested by the Commissioner under subdivision (d) (2), shall be submitted within 90 days of the date of receipt of the request. When in the judgment of the Commissioner a standby plan is not adequate to carry out the objectives set forth in Tables I - III, he may reject the plan and require that it be resubmitted in an acceptable form within 30 days from the date of rejection.

(e) Declaration of an Industrial Air Pollution Emergency Episode In Aid of Sister State.

Notwithstanding that the concentration of pollutants in the air over the State of Connecticut does not meet the criteria set forth in subdivisions (b) (1) to (b) (3) for any stage of an industrial air pollution emergency, episode, the Commissioner may nevertheless declare such emergency episode to be in effect at the stage level he deems appropriate when it becomes necessary to reduce the level of air pollutants in Connecticut to avoid intensifying deteriorated air conditions in one or more areas outside the state that are endangering the health and welfare of residents in those areas.

(f) Emissions from a Limited Number of Sources

Whenever the Commissioner determines that a specified emergency criteria level set forth in subdivisions (b) (1) to (b) (3) has been reached in a limited area, he may restrict the response to such emergency in the manner he deems appropriate, including notification to those sources contributing or believed to be contributing to the emergency levels that the abatement actions of Tables I, II, or III, as the case may be, are required and shall be put into effect until the pollutant levels are reduced below the criteria levels.

(g) Automotive Emergency Episode Criteria. In determining any stage of an automotive air pollution emergency episode to exist, the Commissioner shall be guided by the following criteria:

(1) First stage: Automotive air pollution alert. An automotive air pollution alert shall be declared whenever the concentration of one or more of the pollutants listed below reaches the described level at any monitoring site operated by the Department of Environmental Protection:

CO: 17 $\mu g/m^3$ (15 ppm), 8-hour average;

Oxidant: (O_3): 400 $\mu g/m^3$ (0.2 ppm), 1-hour average;

and meteorological conditions are such that the pollutant concentrations can be expected, unless control actions are taken, to recur the next calendar day.

(2) Second stage: Automotive air pollution warning. An automotive air pollution warning shall be declared whenever evidence shows that air quality is continuing to degrade from the automotive air pollution advisory and alert one of the following levels is reached at any monitoring site operated by the Department of Environmental Protection:

CO: 34$\mu g/m^3$ (30 ppm), 8-hour average;

Oxidant: (O_3) 800 $\mu g/m^3$ (0.4 ppm), 1-hour average;

and meteorological conditions are such that pollutant concentrations can be expected, unless control actions are taken, to recur the next calendar day.

(3) Third stage: Automotive air pollution emergency. An automotive air pollution emergency shall be declared whenever evidence shows that air quality has degraded to a level deemed unacceptable by the Commissioner under any circumstances and requiring the most stringent control actions. An automotive air pollution emergency will automatically be declared when any one of the following levels is reached at any monitoring site operated by the Department of Environmental Protection:

CO: 46 $\mu g/m^3$ (40 ppm), 8-hour average;

Oxidant: (O_3): 1,000 $\mu g/m^3$ (0.5 ppm), 1-hour average;

and meteorological conditions are such that this condition can be expected to recur the next calendar day.

(4) Termination. Once any stage of an automotive air pollution emergency episode has been declared, it shall remain in effect until the Commissioner announces its termination.

(h) Plans of Action at Each Stage of Emergency.

(1) First stage: Automotive air pollution alert. Whenever the Commissioner declares an automotive air pollution alert, all unessential operation of motor vehicles shall be terminated.

(2) Second stage: Automotive air pollution warning. Whenever the Commissioner declares an automotive air pollution warning. persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

(3) Third stage: Automotive air pollution emergency. Whenever the Commissioner declares an automotive air pollution emergency, all private non-commercial motor vehicle operations shall cease except where absolutely essential for necessities of life including medical treatment, and commercial vehicle operations shall be reduced to the absolute minimum necessary to transport necessities and provide for public safety and welfare.

Section 19-508-7

Malfunction of Control Equipment; Reporting

(a) Equipment or methods which control air pollutant emissions from a source and which are necessary to the operation of such source in compliance with applicable emission standards and regulations shall be maintained in operation at all times that the source is in operation or is emitting air pollutants.

(b) No person shall deliberately shut down any such control equipment or method while the source is in operation except for such necessary maintenance as cannot be accomplished when the source itself is not in operation and is not emitting air pollutants.

(c) In the case of breakdown, failure, or deliberate shutdown of any control equipment or method during which time the source will be in operation, all reasonable measures shall be taken to assure resumption of control as soon as possible. Due diligence shall be exercised to minimize emissions while the control equipment or method is inoperative. In the event such shutdown of control equipment or methods is expected or may reasonably be expected to continue for longer than 72 hours, and if the source is to be operated at any time during that period, the Commissioner shall be notified promptly. Such notice shall include, but is not limited, to the following:

(1) Identification of the specific facility taken out, or to be taken out, of service as well as its location and, where applicable, registration or permit number;

(2) The expected length of time that the air pollution control equipment will be out of service;

(3) The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;

(4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period;

(5) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(d) The Commissioner may attach conditions to the operation of the source during the period of shutdown or breakdown.

Section 19-508-8

Compliance Schedules

(a) All new sources must comply with all regulations as of startup of operation.

(b) (1) Existing sources must comply with subsections 19-508-17 (b), 19-508-18 (b), and 19-508-18 (d) by June 1, 1972.

(2) Existing sources must comply with subsections 19-508-18 (a), 19-508-18 (c), 19-508-18 (e), 19-508-18 (f), 19-508-19 (b) through (f) inclusive, 19-508-20 (a) through (e) inclusive, subdivisions 19-508-20 (f) (1), 19-508-20 (f) (2), 19-508-20 (f) (5), 19-508-20 (f) (6), 19-508-20 (f) (7), 19-508-20 (f) (8), 19-508-20 (f) (9), 19-508-20 (f) (10), 19-508-21 (a) and (b), and 19-508-22 (a) through (c) inclusive, as expeditiously as practicable but not later than June 1, 1973.

(3) Sources subject to subdivision 19-508-20 (f) (4) must submit to the Commissioner a proposed compliance plan and schedule by November 1, 1972, which plan must provide for compliance with appropriate regulations as expeditiously as practicable but not later than April 1, 1975. Sources that do not submit such a plan must be in compliance by June 1, 1973.

(4) Fuel merchants must comply with subdivision 19-508-19 (a) (2) by September 1, 1972, and fuel users must comply with Section by April 1, 1973.

(5) Paint merchants must comply with subdivision 19-508-20 (g) (1) by January 1, 1974 and paint users must comply with subdivisions 19-508-20 (g) (2) and (g) (3) by January 1, 1975.

(6) The owner or operator of a source subject to the requirements of subsections 19-508-20 (l) through (r) must comply by October 1, 1980.

(c) (1) Any existing source required to comply with subdivision (b)(2) which is unable to comply by the date specified therein must submit to the Commissioner a proposed compliance plan and schedule by October 1, 1972, which plan must provide for compliance with appropriate regulations as expeditiously as practicable but not later than April 1, 1974.

(2) The owner or operator of any source which cannot comply with the requirements of subdivision (b)(6) shall submit a compliance plan by July 1, 1980 which provides for compliance as expeditiously as practicable but not later than July 1, 1982.

(3) Notwithstanding the provisions of subdivision (c)(2) the Commissioner may accept a compliance plan with a final date of compliance no later than July 1, 1985 if he determines that the plan calls for new or innovative technology such as the use of low solvent coatings.

(d) Compliance plans and schedules pursuant to subdivision (b) (3) and (c) must:

(1) be submitted on forms furnished or prescribed by the Commissioner;

(2) set forth a proposed date for compliance with each applicable regulation; and

(3) specify in detail the manner in which compliance will be achieved. Said schedule shall also include dates for achievement of increments of progress toward compliance and provide for the source to verify completion of each increment to the Commissioner as it is achieved.

(e) The Commissioner may approve, approve with conditions, or disapprove a proposed compliance plan and schedule. The Commissioner shall approve such plan and schedule if he determines that:

(1) The source cannot comply with the regulation at any earlier time, even using the best available control technology, or cannot install such technology any earlier;

(2) Adherence to such plan and schedule will not jeopardize the attainment or maintenance of a national standard by the required time;

(3) The plan and schedule provide for the earliest possible compliance by the source; and

(4) The plan and schedule provide for interim control measures to be taken before the compliance date.

(f) If the Commissioner rejects a proposed plan and schedule or portion thereof, then the source or sources involved must be in compliance with applicable regulations not later than October 1, 1980.

(g) All decisions of the Commissioner regarding a proposed plan and schedule shall be in writing and shall briefly state the basis for the decision.

(h) The Commissioner shall issue periodic reports at intervals of not less than once a month, available on request to any interested party, which shall contain information regarding:

  (1) proposed compliance schedules received; and

  (2) determinations of the Commissioner regarding such schedules.

(i) Following submission to the Commissioner of a proposed compliance plan and schedule, any person may file written objections to the plan, in whole or in part, specifying the basis for those objections. The Commissioner may, at his discretion and after appropriate notice, hold public hearings upon proposed compliance plans and schedules.

(j) The Commissioner shall, if petitioned by a minimum of twenty-five (25) persons or by an association having not less than twenty-five members, hold an investigative hearing once each calendar year beginning January 1, 1980 for the purpose of determining the feasiblity of expanding the applicability of the provisions of subsection 19-508-20 (cc) concerning alternative emission reduction plans for volatile organic compounds to other sections of these regulations to permit owners and operators of stationary sources to submit alternative emission reduction plans for other pollutants consistent with the requirements of the administrator. The hearing shall be conducted in accordance with Section 22a-4-8 of the regulations of Connecticut State Agencies.

COMPLIANCE SCHEDULE

	Section		
OPEN BURNING			
Open Burning	17	Effective Date . . . . . . of Compliance	6/1/72
PARTICULATE EMISSIONS			
Fugitive Dust Fuel Burning	18 (b) 18 (d)	Effective Date . . . . . . of Compliance	6/1/72
Visible Emissions Incineration Process Industries	18 (a) 18 (c) 18 (e), 18 (f)	Effective Date . . . . . . of Compliance	6/1/73 or According to Approved Plan (as expeditiously as practicable; not later than 4/1/74)
SULFUR COMPOUND EMISSIONS			
Fuel Combustion	19 (a)	.5% Requirements Compliance Date for Sales . . Compliance Date for Use . . .	 9/1/72 4/1/73
Process Industries	19 (a) through (f)	Effective Date . . . . . . of Compliance	6/1/73 or According to Approved Plan (as expeditiously as practicable; not later than 4/1/74)

ORGANIC COMPOUND EMISSIONS	Section		
Volatile Organic Compounds, Pumps, Waste Gas Disposal, Organic Solvents	20 (a) through (e), (f) (1), (f) (2), (f) (3), (f) (5), (f) (6), (f) (7), (f) (8), (f) (9), (f) (10)	Effective Date of Compliance	6/1/73 or According to Approved Plan (as expeditiously as practicable; not later than 4/1/74)
Hydrocarbon Emissions	(20) (f) (4)	Effective Date of Compliance	6/1/73 or According to Approved Plan (as expeditiously as practicable; not later than 4/1/75)
Architectural Coating	(20) (g) (1)	Sale of Reactive Paints or Thinner Compliance . . .	1/1/74
	(20) (g) (2) and (3)	Use of Reactive Paints or Thinner Compliance	1/1/75
Exemption of Solvents	(20) (i) (1) and (2)	Effective Date of Compliance	6/1/72
Cancellation	(20) (i) (3)	Effective Date of Compliance	1/1/75
CARBON MONOXIDE EMISSIONS			
	(21) (a) (21) (b)	Effective Date of Compliance	6/1/73 According to Approved Plan (as expeditiously as possible; not later than 4/1/74)

	Section		
NITROGEN OXIDE EMISSIONS			
Fuel Burning	22 (a)	Effective Date of Compliance	6/1/73
Non-Fuel Burning Equipment	22 (b), 22 (c)		According to Approved Plan (as expeditiously as possible; not later than 4/1/74)
ODORS			
Odors	23 (a)	Effective Date of Compliance	6/1/72

Section 19-508-9

Prohibition of Air Pollution

(a) No person shall permit or cause air pollution, as defined in Section 19-508-1. This section applies to air pollutants not otherwise covered by these regulations.

Section 19-508-10

Public Availability of Information

(a) Any records, reports or other information obtained by the Commissioner or on file with the department shall, pursuant to the provisions of Sections 1-7 through 20 of the General Statutes, as amended, be made available to the public. Upon a showing satisfactory to the Commissioner by any person that such records, reports or other information, or particular parts thereof (other than emission data), if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Commissioner shall consider such record, report or information, or particular part thereof, confidential, except that such record, report or information may be disclosed to other officers, employees, or authorized representatives of the state concerned with carrying out these regulations or when relevant in any hearing conducted by the Department of Environmental Protection or in any judicial proceeding, subject to such safeguards as the hearing officer or presiding judge may impose.

(b) Emission data shall not be entitled to protection as a trade secret.

(c) Any emission data made public by the Commissioner shall be presented in such a manner as to show the relationship between measured amounts under applicable emission limitations and compliance schedules or other measures.

(d) The Commissioner, when he deems it appropriate, may require a nominal charge to defray the costs of reproducing any requested information.

Section 19-508-11

Prohibition Against Concealment or Circumvention

(a) No person shall install or cause the installation or use of any device or any means which, without resulting in reduction in the total amount of air pollutant emitted, conceals or dilutes an emission of air pollutant which would otherwise violate applicable regulations.

(b) Abatement of objectionable odors as defined in Section 19-508-23 by means of dilution or masking shall not be deemed a violation of this Section, provided that any masking odor used shall not itself violate Section 19-508-23 or create a nuisance.

Section 19-508-12

Violations and Enforcement

(a) No person shall violate or cause the violation of any applicable regulation.

(b) Remedies for Violations.

(1) The Commissioner shall designate employees of DEP to be known as enforcement personnel, who shall, acting with or without complaints, conduct investigations and ascertain whether the Commissioner's regulations are being complied with.

(2) Whenever the enforcement personnel determine that any regulation promulgated by the Commissioner has been violated or there has been a failure to comply therewith, they shall make and serve upon the person or persons responsible for the violations or failure a written order specifying the nature of the violation or failure and affording a reasonable period of time for its correction or remedying.

(3) Prior to the issuance of such order, the Enforcement Personnel shall make reasonable effort in the light of all circumstances to correct the violation or failure of compliance by conference, conciliation and persuasion, as required by statute.

(4) Unless the person or persons against whom an order has been served files a written answer thereto with the Commissioner, within thirty (30) days after the date of service of the order, and requests a hearing thereon, such order shall become final and effective. The answer shall contain a clear and concise statement of the reason or reasons, if any, that the order is claimed to be invalid or insufficient and/or the manner in which the persons filing the answer deem themselves aggrieved by the order. Upon receipt of the answer and request

for a hearing, the Commissioner shall schedule the hearing as soon thereafter as is practical before himself or a designated hearing officer to act in his place and stead. The person designated to act as hearing officer shall not have participated in any way in the investigation or other preliminary proceedings preceding the issuance of the order specifying the violation. The hearing shall be open to the public and shall be conducted in the manner provided by statute, to wit: Testimony shall be under oath and recorded stenographically or by a sound-recording device, but strict rules of evidence of courts of law shall not be binding on the hearing officer. True copies of the transcript and of any other record made by or at such hearing shall be furnished a party or any other person requesting them at his own expense. During the course of a hearing, the hearing officer may take appropriate measures to preserve the confidentiality of trade secrets.

(5) Any person who receives a notice that a permit has been denied, revoked or modified, or only conditionally approved may deem the notice a written order of violation under subsection (b) (2) and file a written answer and request for a hearing under subsection (b) (4).

(6) At the conclusion of a hearing held under subsection (b) (4) or (b) (5) and after reviewing the hearing record and the recommendation and report of the hearing officer, if any, the Commissioner shall determine whether the person or persons against whom such order has been issued is violating any regulation of the Commissioner, or has failed to comply with a proper requirement, order, notice, ruling or directive duly issued, or has improperly had a permit denied, revoked, or modified, or conditionally approved, and he shall affirm, modify, reverse or revoke the order, notice or other action complained of as he shall in his discretion determine, and shall so notify such person or persons by certified mail. Any information as to secret processes or methods shall be kept confidential.

(c) Any person who violates an order of the Commissioner shall be liable for a civil penalty not to exceed five thousand dollars ($5,000) per week commencing the 10th day after expiration of the time fixed for the taking of preventive or corrective measures, although the Commissioner in his discretion may waive such accrual in whole or in part. The penalty may be collected in a civil action in the manner provided by statute. In addition, the Commissioner may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violations of an order.

(d) Emergencies.

(1) Notwithstanding any other provision of these regulations, if the Commissioner determines that an air pollution emergency exists caused by adverse meteorological conditions, such as an inversion or a stagnant high pressure system, which requires immediate action to protect public health or safety, he may order any person emitting or responsible for the emission of air pollutants or contaminants creating or contributing to the emergency, to reduce or discontinue such actions immediately. Upon the issuance of such order, the Commissioner shall fix a place and time, not later than forty-eight hours thereafter, for a hearing to be held before him or a hearing officer designated by him. Not more than twenty-four hours after the conclusion of such hearing, and without adjournment thereof, the Commissioner shall affirm, modify or set aside his order. Nothing contained in this regulation shall be deemed a waiver of the Commissioner's powers to seek immediate injunctive relief in the courts against a person responsible for emission of pollutants in an emergency.

(2) Any person who violates an order issued during and/or related to an air pollution emergency shall be liable for a civil penalty of five thousand dollars ($5,000) per week commencing with the date of notice to such person of issuance of the order.

(e) Criminal Liability.

Any person who files any statement, record or report with the Commissioner containing false or misleading information or other claims shall be subject to criminal prosecution for a Class A misdemeanor punishable by imprisonment for a period of up to one year and a fine of up to one thousand dollars ($1,000) for each violation.

Section 19-508-13*

Variances

(a) Any person who owns or operates any source of air pollutants as defined in Section 19-508-1 (a) may apply to the Commissioner for a variance or a partial variance from one or more of the provisions of these regulations. Applications for a variance shall be submitted on forms furnished or prescribed by the Commissioner and shall supply such information as he requires, including but not limited to,

*Variance to Federal Paperboard Co. Temporary
See non-regulatory. Federal Register Publication 4/27/81

(1) information on the nature and location of the facility or process for which such application is made;

(2) the reasons for which the variance is required, including the economic and technological justifications;

(3) the type and quantity of emissions that will occur during the period of variance;

(4) a description of interim control measures to be taken by the source to minimize emissions and the damages occurring therefrom;

(5) history of any previous environmental litigation between the source and government agencies;

(6) a specific schedule of measures to be taken to bring the source into eventual compliance with those regulations from which the variance is sought;

(7) any other relevant information the Commissioner may require in order to make a determination regarding the application.

(b) Failure to supply all necessary information to enable the Commissioner to make a determination regarding the application shall be cause for rejection of the application.

(c) No variance shall be approved unless the applicant shall establish to the Commissioner's satisfaction that:

(1) discharges occurring during the period of variance will not constitute a danger to public health or safety;

(2) compliance with the regulations would produce practical difficulty or hardship without equal or greater benefits to the public.

(d) In making a determination on granting a variance, the Commissioner shall consider:

(1) the character and degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened to be caused;

(2) the social and economic value of the activity for which the variance is sought;

(3) the suitability or unsuitability of the activity to the area in which it is located;

(4) the impracticability, both scientific and economic, of complying with the regulation from which the variance is sought.

(e) The Commissioner shall not grant any variance that will prevent or interfere with the attainment or maintenance of any relevant ambient air quality standard.

(f) Applications for variances may be rejected as untimely if received by the Department of Environmental Protection less than 90 days prior to the date for compliance with the regulation for which the variance is sought, or if notice of violation of the regulation has been served in accordance with Section 19-508-12 (b) (2).

(g) Following receipt and review of an application for a variance, the Commissioner shall fix a date, time, and location for a public hearing on such application.

(h) The Commissioner shall cause the applicant to publish at his own expense all notices of hearings and other notices required by law.

(i) Within sixty (60) days of the receipt of the record of the hearing on a variance application, the Commissioner shall issue his determination regarding such application. All such decisions of the Commissioner shall be in writing and shall briefly set forth the reasons for the decision.

(j) The Commissioner may, at his discretion, limit the duration of any variance granted under these regulations, except that no such variance may extend beyond three years.

(1) Any party holding a variance for three years and needing an extension of time may apply for a new variance under the provisions of these regulations.

(2) Any such application shall include a demonstration of compliance with any conditions imposed by the previous variance.

(k) The Commissioner may attach to any variance any reasonable conditions he deems necessary or desirable, including but not limited to:

(1) requirements for special control measures to be taken by the source to minimize emissions during the period of variance;

(2) requirements for periodic reports submitted by the applicant relating to emissions, to compliance with any other conditions under which the variance is granted, or to any other relevant information the Commissioner deems necessary.

(1) (1) A variance may be revoked or modified for failure to comply with such conditions as the Commissioner may have attached to the original grant of a variance.

(2) Notice of revocation or modification shall set forth the reasons for the action taken and shall be effective thirty (30) days after the date of service of the notice, unless a hearing is requested prior to the expiration of the thirty (30) day period.

(3) Any person considering himself aggrieved by such notice may consider the notice a written order of violation under Section 19-508-12 (b) (2) and may obtain a hearing thereon by filing a written answer and request for a hearing in accordance with Section 19-508-12 (b) (4). Filing of the answer and request for the hearing shall postpone the effective date of the notice until conclusion of hearing and issuance of the decision of the Commissioner.

Section 19-508-14

Compliance with Regulation No Defense to Nuisance Claim

(a) Nothing in any portion of these regulations shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with these regulations is not a bar to a claim of nuisance by any person.

Section 19-508-15

Severability

(a) If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

Section 19-508-16

Responsibility to Comply with Applicable Regulations

(a) Exemption from requirements for registration or permits or possession of a permit to construct or operate or of a variance or approval of a compliance schedule shall not relieve any person of the responsibility to comply with any other applicable regulations or other provisions of federal or state law.

Section 19-508-17

Control of Open Burning

(a) No person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as follows:

(1) Barbecues or other outdoor open fires for the cooking of food for human consumption;

(2) Campfires, bonfires, and other fires for ceremonial or recreational purposes;

(3) Fires to abate a fire hazard provided that the abatement fire is controlled according to directions of a responsible fire official;

(4) Fires in salamanders or other devices used by construction or other workers for heating purposes, provided smoke is kept to a minimum and no nuisance is created; and small fires kindled by contractors, which fires are essential to street installation or paving activities, the repairing of utilities, or other similar work.

(b) The following types of fires are allowed provided that a written certificate has first been obtained from the Commissioner or his designee;

(1) Fires for training personnel in methods of fighting fires;

(2) Fires for the prevention or control of disease or pests;

(3) Fires for the prevention, control, or destruction of agricultural diseases and pests, and agricultural burning for vegetation management;

(4) Fires for the disposal of dangerous materials where there is no reasonable alternative method of disposal;

(5) Any other fires which the Commissioner determines are necessary to thwart or prevent a hazard which cannot be properly managed by any other means or are necessary for the protection of public health.

(c) A certificate given under Subsection (b) shall be applicable only for the occasion or the circumstance for which it is obtained, and a new certificate shall be required for all open burning not sanctioned by an existing certificate.

(d) Certificates approved under Subsection (b) shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety, or comfort of the public. The Commissioner or his designee shall not issue a certificate under Subsection (b) when he determines that:

(1) A hazardous health condition will be created by such burning; or

(2) A salvage operation by open burning will be conducted; or

(3) A practical and reasonably available alternative method for the disposal of the material to be burned exists; or

(4) Such open burning would prevent the attainment or maintenance of a relevant ambient air quality standard.

(e) If the Commissioner declares an Advisory of Threatening Atmospheric Condition, the first stage of an air pollution emergency episode as set forth in Section 19-508-6, or any other air pollution emergency episode stage, no person shall ignite, cause to be ignited, permit to be ignited, or maintain any open fire except as specifically provided by Section 19-508-6.

Section 19-508-18

Control of Particulate Emissions

(a) Visible emissions.

(1) Visible emission restrictions for stationary sources.

(i) No person shall cause or permit the emission of visible air pollutants of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity.

(ii) A person may discharge air pollutants into the atmosphere from any source of emission for a period or periods aggregating not more than 5 minutes in any 60 minutes, provided that said air pollutants are of a shade or density not darker than No. 2 on the Ringelmann chart or 40 percent opacity..

(iii) Open burning conducted under provisions of Section 19-508-17 shall not be subject to this subsection.

(2) Visible emission restrictions for mobile sources.

(i) No person shall cause or permit the emission of visible air pollutants from gasoline-powered mobile sources for longer than five (5) consecutive seconds.

(ii) No person shall cause or permit the emission of clearly visible air pollutants (comparable to a shade or density equal to or darker than No. 1 on the Ringelmann chart or 20 percent opacity) from diesel powered motor vehicles for more than ten (10) consecutive seconds, during which time the maximum shade or density of emissions shall be no darker than No. 2 on the Ringelmann chart or 40 percent opacity.

(3) Exceptions for uncombined water.

Where the presence of uncombined water, such as water vapor, is the only reason for the failure of an emission to meet the requirements of this regulation, then the provisions of this regulation shall not apply.

(4) The following shall be exempt from the requirements of subsection (a) (2):

(i) Antique automobiles over 30 years old;

(ii) Vehicles used exclusively for racing; and

(iii) Mobile sources in the process of being repaired.

(5) Emissions from stationary or idling mobile sources.

No mobile source engine shall be allowed to operate for more than three (3) consecutive minutes when the mobile source is not in motion except as follows:

(i) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating, cooling or auxiliary equipment installed on the mobile source when such equipment is necessary to accomplish the intended use of the mobile source;

(iii) To bring the mobile source to the manufacturer's recommended operating temperature:

(iv) When the outdoor temperature is below twenty (20) degrees Fahrenheit;

(v) When the mobile source is being repaired.

(6) Subsections (a) (2) and (a) (5) shall not apply to aircraft, locomotives operating on rails, vessels for transportation on water, lawnmowers, snowblowers, and other small home appliances.

(b) Fugitive Dust.

(1) No person shall cause or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall be in accordance with good industrial process as determined by the Commissioner and shall include, but not be limited, to the following:

(i) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(ii) Application of asphalt, oil, water, suitable chemicals or coverage on materials stockpiles and other surfaces which can give rise to airborne dusts;

(iii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

(iv) Covering, at all times when in motion, open-bodied trucks and trains transporting materials likely to give rise to airborne dusts;

(v) The prompt removal of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earthmoving equipment, erosion by water, or other means.

(2) Agricultural activities are exempt from the provisions of subsection (b) (1). However, agricultural practices such as tilling of land and application of fertilizers shall be conducted in such manner as to minimize dust from becoming airborne.

(3) No person shall cause or permit the discharge of visible emissions beyond the lot line of the property on which the emissions originate when:

(i) The emissions remain visible and exist near ground level outside the property boundaries; or

(ii) The emissions remain visible and impinge on a building or structure so that the health, safety, or enjoyment of life or the public may be diminished.

(4) No particulate matter shall be emitted into the open air in such a manner as to cause a nuisance.

(c) Incineration.

(1) Definitions.

The following terms as used in subsections (c) (1) to (c) (6) inclusive shall have the following meanings:

(i) "Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance, including but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap, or facilities for cremating human or animal remains. "Small incinerator" means an incinerator designed and used to burn waste materials of types 0, 1, 2, and 3 only, in all capacities not exceeding two thousand pounds per hour of waste material input. "Special incinerator" means an incinerator designed and used to burn pathological waste type 4 or trade waste types 5 and 6 of any burning capacity.

Crematories are included in this category. "Large incinerator" means an incinerator owned or operated by any government or any person, firm or corporation, designed and used to burn waste materials generated by the public of any and all types, 0 to 6 inclusive, with a burning capacity in excess of two thousand pounds per hour of waste material input.

(ii) "New incinerator" means an incinerator which is a new source, as defined in Section 19-508-1 (r).

(iii) "Existing incinerator" means any incinerator which is not a new source, as defined in Section 19-508-1 (r).

(iv) "Flue-fed incinerator" means an incinerator provided with a single flue which serves as both the charging chute and the flue to transport products of combustion to the atmosphere.

(v) "Liquid particulates" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

(vi) "Solid particulates" means particles of rigid shape and definite volume.

(vii) "Smoke" means and includes small gas-borne particles, excluding water vapor, arising from a process of combustion in sufficient number to be observable.

(viii) "Air pollution control equipment" means any device which prevents or controls the emission of any air contaminant.

(ix) "Type 0 waste" means trash, a mixture of highly combustible waste such as paper, cardboard, cartons, wood boxes and combustible floor sweepings, from commercial and industrial activities. The mixture may contain up to ten percent by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains approximately ten percent moisture and five percent incombustible solids and has a heating value of approximately eighty-five hundred BTUs per pound as fired.

(x) "Type 1 waste" means rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings from domestic, commercial and industrial activities. The mixture may contain up to twenty percent by weight of restaurant or cafeteria waste, but contains little or no treated paper, plastic or rubber wastes. This type of waste contains approximately twenty-five percent moisture and ten percent incombustible solids and has a heating value of approximately sixty-five hundred BTU per pound as fired.

(xi) "Type 2 waste" means refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to fifty percent moisture and approximately seven percent incombustible solids, and has a heating value of approximately forty-three hundred BTU per pound as fired.

(xii) "Type 3 waste" means garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to seventy percent moisture and up to five percent incombustible solids and has a heating value of approximately twenty-five hundred BTU per pound as fired.

(xiii) "Type 4 waste" means human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar sources, consisting of up to eighty-five percent moisture and approximately five percent incombustible solids and having a heating value of approximately one thousand BTU per pound as fired.

(xiv) "Type 5 waste" means by-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes from industrial operations.

(xv) "Type 6 waste" means solid by-product waste, such as rubber, plastics, wood waste from industrial operations and all salvage operations.

(2) Flue-fed incinerators.

No person shall construct, install, use or cause to be used any new incinerator of the flue-fed type.

(3) Emission standards.

(i) Particulates.

No person shall construct, install, use or cause to be used any new incinerator which will result in particulate matter in the effluent in excess of 0.08 gr/S.C.F. (0.18 gm/NM^3) corrected to 12 percent CO_2, maximum 2-hour average. No person shall use or cause to be used any existing incinerator which will emit more than four-tenths pound of particulates per one thousand pounds of flue gases adjusted to fifty percent excess air.

(ii) All incinerators must comply with subsection (a) (1).

(iii) Unburned waste and ash.

No person shall cause, suffer, allow or permit the emission of particulates of unburned waste or ash from any incinerator which are individually large enough to be discernible by the human eye.

(iv) Odors.

No person shall construct, install, use or cause to be used any incinerator which will result in violations of Section 19-508-23.

(4) Operation.

(i) Approved operating procedures and rated burning capacity of the incinerator shall be posted at a convenient place as near as practical to the point of operation.

(ii) No person shall use or cause to be used any incinerator unless all components connected, or attached to, or serving the incinerator which affect air pollution are functioning properly and are in use, in accordance with the permit to construct and the certificate or permit to operate.

(5) (i) Emission tests shall be conducted at the maximum-rated burning capacity of the incinerator.

(ii) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Commissioner in accordance with good engineering practices. In cases of conflict, the determination made by the Commissioner shall govern.

(iii) For the purposes of this regulation, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(6) Exceptions.

The provisions of subsection (c) (1) to (c) (5) inclusive shall not apply to incinerators installed or used in dwellings containing six or fewer family units.

(7) None of these regulations shall be construed to permit the emission of hazardous materials defined and limited by the Commissioner.

(d) Fuel-burning equipment.

(1) No person shall cause or permit the emission from fuel-burning equipment of particulate matter in excess of 0.20 pounds per million BTU (0.36 gm/10^6 gm-cal) of heat input for existing sources and 0.10 pounds per million BTU (0.18 gm/10^6 gm/cal) of heat input for new sources.

(2) For purposes of this section, the heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater.

(3) Fuel-burning sources which, as of the effective date of these regulations, have particulate control equipment in place must maintain such control equipment in proper operation.

(e) Process industries - general.

(1) No persons shall cause or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 3-1 below for the process weight rate allocated to such source, with the exception of sources specified in subsection (f).

TABLE 3-1

Process Weight Rate	Emission Rate	Process Weight Rate	Emission Rate
lbs./hr.	lbs./hr.	lbs./hr.	lbs./hr.
50	0.36	60,000	29.60
100	0.55	80,000	31.19
500	1.53	120,000	33.28
1,000	2.25	160,000	34.85
5,000	6.34	200,000	36.11
10,000	9.73	400,000	40.35
20,000	14.99	1,000,000	46.72

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(2) Interpolation of the data in Table 3-1 for the process weight rates up to 60,000 lbs./hr. shall be accomplished by the use of the equation:

$E = 3.59\ P^{0.62}$ P equal to or less than 30 tons/hr.

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs./hr. shall be accomplished by the use of the equation:

$E = 17.31\ P^{0.16}$ P greater than 30 tons/hr.

Where: E = Emissions in pounds per hour.

P = Process weight rate in tons per hour.

(3) For the purposes of this regulation, process weight per hour is the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or

batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time by the length of that period of time.

(4) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the minimum value for allowable emission shall apply.

(5) For purposes of the regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

(6) For the purposes of this regulation, when any material undergoes a series of operations which are capable of of emitting particulate matter and which employ any combination of machines, equipment, or other devices used for processing the material either continuously or in batches, the total process weight for the series of operations shall be the weight of materials introduced to the series as a whole. Any material which is the product of any operation in the series shall not be counted as part of the process weight for any other operation in the series.

(f) Process industries - specific.

(1) Emission standards (iron cupolas).

No person shall cause or allow the operation of any iron foundry cupola unless such cupola is equipped with gas-cleaning devices and so operated as to remove eighty-five percent by weight of all particulate matter in the cupola discharge gases, or to release not more than eight-tenths of a pound of particulate matter per thousand pounds of discharge gas, whichever is more stringent. Gases, vapors and gas-entrained effluents from such cupolas shall be incinerated at a minimum temperature of 1300 degrees Fahrenheit for a period of not less than three-tenths of a second.

(2) Emission standards (hot mix asphalt plants).

No person shall cause or allow the emission of particulate matter from hot mix asphalt plants in excess of three-tenths of a pound per one thousand pounds of discharge gas. In addition, the process must conform to subsection (b) of this regulation.

(3) Emission standards (foundry sand).

No person shall cause or allow the operation of a foundry sand process unless such process conforms to subsection (b) of this regulation and is equipped with fugitive dust control facilities with collection efficiency of at least 90 percent.

(4) Emission standards (concrete batching).

No person shall cause or allow the operation of a concrete batching process unless such process conforms to subsection (b) of this regulation and is equipped with fugitive dust control facilities with a collection efficiency of 90 percent or 0.02 pounds per cubic yard of concrete, whichever results in less emission.

Section 19-508-19

Control of Sulfur Compound Emissions

(a) Fuel Combustion.

(1) Definitions.

As used in subsections (a) through (f) inclusive:

(i) "Fuel" means a substance containing combustibles used for producing heat, light, power or energy;

(ii) "Combustible" means the heat-producing constituents of a fuel;

(iii) "Combustion" means the rapid chemical combination of oxygen with the combustible element of a fuel resulting in the production of heat;

(iv) "Sulfur dioxide (SO_2)" means a colorless gas at standard conditions which has the molecular formula SO_2;

(v) "Sulfur oxides (SO_x)" means any compound made up only of sulfur and oxygen. For the purpose of this regulation, concentrations of sulfur oxides (SO_x) will be calculated as sulfur dioxide (SO_2);

(vi) "Stack" or "Chimney" means a flue, conduit or opening permitting particulate or gaseous emission into the open air, or constructed or arranged for such purpose;

(vii) "Fuel merchant" means any person who offers for sale or sells, transfers, or provides in retail or wholesale trade, fuel, including agents, brokers, wholesalers, distributors, or producers who sell commercial or noncommercial fuel;

(viii) "Fuel user" means any person who stores or utilizes commercial or noncommercial fuel for the purpose of creating by combustion heat, light, power, or energy.

(2) (i)* No fuel merchant, except as provided in subsections (a) (3) and (a) (4), shall store, offer for sale, sell, make available, deliver for use or exchange in trade for use in Connecticut, and no person shall use or burn fuel which contains sulfur in excess of one percent (1.0 percent) by weight (Dry Basis). After September 1, 1972, no fuel merchant shall store, offer for sale, sell, make available, deliver for use or exchange in trade for use in Connecticut fuel which contains sulfur in excess of one-half of one percent (0.5 percent) by weight (Dry Basis), and after April 1, 1973, no person shall use or burn fuel which contains sulfur in excess of one-half of one percent (0.5 percent) by weight (Dry Basis).

(ii) Under conditions of fuel shortage emergency, as determined by the Commissioner, higher percentages of sulfur may be permitted by express approval of the Commissioner for temporary periods.

(3) Notwithstanding the provisions of subsection (a) (2), the Commissioner may approve:

(i) combustion of a mixture of fuels, or

(ii) combustion of a single fuel, which contain(s) a higher sulfur content than that specified by subsection (a) (2), if the combustion of such fuel is combined with a stack-gas cleaning process or its equivalent as approved in writing by the Commissioner. No such stack-gas cleaning process, or its equivalent, shall be approved unless the total sulfur compound emissions (expressed as sulfur dioxide) from the stack, chimney, flue, and other vents to the ambient air do not exceed 0.55 pounds per million BTU gross heat input, provided that any effluent from the approved stack-gas cleaning process or its equivalent which is discharged into State waters meets with the prior approval of the Commissioner. The Commissioner may require such information or date as is necessary to establish that total emissions will not exceed the above limitations.

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*Northeast Utilities on behalf of United Technologies was granted a variance to Reg. 19-508-19(a)(2)(i) to purchase, store & burn Arabian light crude oil (sulfur content less than 2.9%, by weight) until April 1, 1981 (see non-regulatory text 7/30/79-4/10/79.) Federal Paperboard Co., Inc. was granted a variance to Reg. 19-508-19(a)(2)(i) to sell and deliver fuel oil containing up to 2.2% sulfur, by weight, to the company's manufacturing facility in Sprague, Ct. and to burn fuel oil containing up to 1.7% sulfur until March 27, 1983. (See nonregulatory text 4/27/81-9/8/80.)

(4) In other than conditions of fuel shortage emergency described under subsection (a) (2) (ii), fuel merchants seeking to store, offer for sale, sell, deliver for use or exchange in trade, for use in Connecticut, and fuel users seeking to create by combustion heat, light, power, or energy from fuels containing sulfur in excess of the maximums set by subsection (a) (2) under the conditions specified in subsection (a) (3) shall obtain the prior approval of the Commissioner.

(5) The provisions of subsection (a) (1) through (a) (7) inclusive, shall not apply to fuels used by ocean going vessels.

(6) The Commissioner may require submission of fuel analyses or results of stack sampling, or both, to ensure compliance with the provisions of subsection (a) (1) through (a) (7) inclusive, and no person shall fail to submit such data when requested to do so by the Commissioner.

(7) Persons selling fuels in Connecticut shall maintain records of sales of all fuel containing sulfur and shall make these records available for inspection by the Commissioner or his representative during normal business hours. This section shall not apply to any of the following fuels which have sulfur contents below two-tenths of one percent (0.2%) by weight (Dry Basis): distillate oil, motor vehicle fuel, aircraft fuel, or gaseous fuel.

(8) No person shall cause or permit the flaring or combustion of any refinery process gas stream or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide in concentrations greater than 10 grains per 100 standard cubic feet (23 gm/100 scm) of gas.

(a) No action was taken on this regulation (12/23/80).

(b) Sulfuric Acid Plants.

No person shall cause or permit sulfur oxides emissions which exceed 6.5 pounds per ton (3.25 kg/metric ton) of 100 percent acid produced.

(c) Sulfur Recovery Plants.

No person shall cause or permit the emission of sulfur oxides from a sulfur recovery plant to exceed 0.01 pounds (kg.) per pound (kg.) of sulfur processed.

(d) Nonferrous Smelters.

No person shall cause or permit the emission of sulfur oxides from primary nonferrous smelters to exceed that set forth according to the following equations:

Copper smelters: $Y = 0.2 X$

Zinc smelters: $Y = 0.564 X^{0.85}$

Lead smelters: $Y = 0.98 X^{0.77}$

Where X is the total sulfur fed to the smelter in lb/hr. and Y is the allowable sulfur dioxide emissions in lb/hr.

(e) Sulfite Pulp Mills.

No persons shall cause or permit the total sulfite pulp mill emissions of sulfur oxides from blow pits, washer vents, storage tanks, digester relief, recovery system, etc., to exceed 9.0 pounds per air-dried ton (4.5 kg./metric ton) of pulp produced.

(f) Other Process Sources.

Notwithstanding the provisions of Section 19-508-18 (e), process sources not covered in subsections (b) through (e) inclusive shall not emit sulfur oxides in the effluent in concentrations which exceed 500 parts per million.

Section 19-508-20

Control of Organic Compound Emissions

(a) Storage of Volatile Organic Compounds.

(1) Definitions

For the purpose of this section:

"Approved Control System" means a vapor balance system or a vapor recovery system.

"Delivery Vehicle" means a tank, truck, tank-equipped trailer, railroad tank car, or other mobile source equipped with a storage tank used for the transportation of gasoline from sources of supply to stationary storage tanks.

"Dispensing Facility" means any site where gasoline is delivered to motor vehicles other than agricultural vehicles from any stationary storage tank with a capacity of 250 gallons or more.

"Gasoline" means any petroleum distillate having a Reid Vapor Pressure of four pounds or greater and used as a motor vehicle fuel.

"Throughput" means the number of gallons delivered through all equipment at a dispensing facility or a loading facility over a specified time interval.

"Vapor Balance System" means a combination of pipes or hoses which create a closed connection between the vapor spaces of an unloading tank and receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded. The complete system as a whole and not just the individual components shall have been tested and approved by a nationally recognized testing laboratory.

"Vapor Recovery System" means a device or system of devices with attendant valves, fittings, piping, and other appurtenances incorporating a means for the incineration of vapors or the liquefaction of vapors by absorption, adsorption, condensation or other means. The complete system as a whole and not just the individual components shall have been tested and approved by a nationally recognized testing laboratory.

(2) No person shall place, store, or hold in any stationary tank, reservoir or other container of more than 40,000 gallons (150,000 liters) capacity any volatile organic compound with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions unless the tank, reservoir or other container is a pressure tank capable of maintaining water pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped, with one of the following vapor loss control devices:

(i) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment is not permitted if the volatile organic compound has a vapor pressure of 11.0 pounds per square inch absolute (568 mm. Hg.) or greater under actual storage conditions. All tank gauging or sampling devices must be gas-tight except when tank gauging or sampling is taking place.

(ii) A vapor recovery system.

(iii) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Commissioner.

(3) No person shall place, store, or hold in any stationary storage vessel more than 250-gallon (950 liter) capacity any volatile organic compound with a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions unless such vessel is equiped with a permanent submerged fill pipe or is a pressure tank as described in subsection (a) (1).

(b) Loading of Gasoline and Other Volatile Organic Compounds

(1) No person shall load or permit the loading of any volatile organic compound with a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions into any delivery vehicle from any loading facility with a throughput of 10,000 gallons or more in any one day unless: such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order, and in operation and

(i) The vapors discharged form the delivery vehicle during loading are processed by a vapor recovery system; and

(ii) The amount of volatile organic compounds released to the ambient air is less than 80 milligrams per liter of liquid loaded.

(2) No person shall load or permit the loading of any volatile organic compounds with a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions into any delivery vehicle having a capacity in excess of 200 gallons (760 liters) from any loading facility with a throughput of 10,000 gallons or more in any one day unless such loading facility is equipped with a loading arm with a vapor collection adaptor, pneumatic, hydraulic, or other mechanical means to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid organic compounds drainage 250 gallons and an annual throughput of 120,000 gallons or more unless the tank has an approved control system.

(3) Subdivisions (b) (1) and (b) (2) shall apply only to the loading of volatile organic compounds with a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions at a facility from which at least 10,000 gallons of such organic compounds are loaded in any one day. "Loading facility" for the purpose of this subsection, shall mean any aggregation or combination of organic liquid loading equipment which is both (i) possessed by one person and (ii) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of three hundred (300) feet in diameter.

(4) After April 1, 1982, no person shall load or permit the loading of gasoline into any delivery vehicle from any loading facility with a throughput of less than 10,000 gallons a day and more than 4,000 gallons a day unless the loading takes place through a submerged fill pipe and a vapor balance system is used.

(5) By January 1, 1982, any person who owns or operates any dispensing facility with a stationary storage tank for gasoline having a capacity of more than 2000 gallons and an annual throughput of 120,000 gallons or more shall install at each stationary storage an approved control system.

(6) After January 1, 1982, no person shall install any stationary storage tank for gasoline with a capacity of more than when the frequency of venting and the quanitty of potential release are low, and all occurrences are reported to the Commissioner. In the case of emergency reliefs, exemption will also be considered if the Commissioner determines that addition of control equipment would constitute an explosion hazard or other safety hazard.

(7) Effective May 31, 1982, no person shall transfer or allow the transfer of gasoline from a delivery vehicle to a stationary storage tank subject to the provisions of subdivisions (b)(5) and (b)(6) unless the transfer is made through:

  (i) A properly maintained and operated approved control system; and

  (ii) Piping, valves, fittings, and connections on the delivery vehicle so that the rated collection efficiency of the control system is attained for any transfer.

(8) No person shall dispense gasoline to a stationary storage tank having an approved control system in such a manner as to impair the collection efficiency of the control system.

(9) The owner or operator of a delivery vehicle shall ensure that:

  (i) The delivery vehicle is designed and maintained to be vapor-tight at all times; and,

  (ii) The hatches are closed at all times during loading operations; and,

  (iii) The pressure relief valves are set to release at no less than 0.7 pounds per square inch; and

  (iv) The vapor laden delivery vehicle is refilled only at facilities which meet the requirements of subdivisions (b)(1) or (b)(4).

(10) The Commissioner may provide an exemption to the provisions of subdivisions (b)(4) or (b)(5) for economic or technological impracticability.

(c) Volatile Organic Compound Water Separation.

No person shall use any compartment of any single or multiple compartment volatile organic compound waste water separator which receives effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound with a vapor pressure of 1.5 pounds per square inch or more from any equipment processing, refining, treating, storing, or handling volatile organic compounds unless such compartment is equipped with one or more of the following vapor loss control devices, properly installed, in good working order, and in operation:

(1) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

↗ the surface of the contents and be

(2) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover, which will rest on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(3) A container equipped with a vapor recovery system.

(4) A container having other equipment of equal efficiency for purposes of air pollution control as may be approved by the Commissioner.

(d) Pumps and Compressors.

All pumps and compressors handling volatile organic compounds with a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions shall have mechanical seals or other equipment of equal efficiency for purposes of air pollution control as may be approved by the Commissioner except that in cases where mechanical seals are impractical because of the abrasive or corrosive nature of the liquid handled, best available technology for the reduction of organic compound emissions shall be deemed equivalent to the use of mechanical seals.

(e) Waste Gas Disposal.

(1) No person shall cause or permit any emission from any ethylene producing plant or other ethylene emission source unless the waste gas stream is properly burned at 1300°F (704°C) for 0.3 second or greater in a direct flame afterburner or an equally effective device as approved by the Commissioner. This provision shall not apply to emergency reliefs and vapor blowdown systems.

(2) No person shall cause or permit the emission of organic gases from a vapor blowdown systems or emergency relief unless these gases are burned by smokeless flares or an equally effective control device as approved by the Commissioner. Exemption to this section will be considered from the loading device when it is removed from the hatch of any tank, truck, or trailer, or to accomplish complete drainage before such removal. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

(f) Organic Solvents.

(1) No person shall cause or permit the discharge into the atmosphere of more than 40 pounds of organic materials in any one day, nor of more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless the discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this subsection are collectively subject to compliance with this subdivision.

(2) No person shall cause or permit the discharge into the atmosphere of more than 40 pounds of organic materials in any one day, nor of more than 8 pounds in any one hour, from any article or machine, other than described in subdivision (f) (1), for employing or applying any photochemically reactive solvent, as defined in subdivisions (i)(1) or material containing such photochemically reactive solvent, unless the discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any arti-

cle, machine, equipment or other contrivance described in this subdivision are included in determining compliance with this subdivision. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in subdivision (f) (1) are excluded from determination of compliance with this subdivision. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this subdivision shall be collectively subject to compliance with this subdivision.

(3) Reserved.

(4) On or after June 1, 1973, no person shall cause or permit the discharge into the atmosphere of more than 800 pounds of organic materials in any one day, nor more than 160 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless the discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this subsection are included in determining compliance with this subdivision. Emissions resulting from baking, heatcuring, or heat-polymerizing as described in subsection (f) (1) are excluded from determination of compliance with this subdivision. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this subsection are collectively subject to compliance with this subdivision.

(5) Emissions of organic materials to the atmosphere from the clean-up, as of any article, machine, equipment or other contrivance described in subdivisions (f) (1) through (f) (4) inclusive are included with the other emissions of organic materials from that article, equipment or other contrivance for determining compliance.

(6) The owner or operator of a source subject to subdivision (f)(1), (f)(2) or (f)(4) shall achieve the emission limits under those paragraphs by:

(i) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide. However, incineration is not acceptable for halogenated hydrocarbons.

(ii) Adsorption, or

(iii) A system demonstrated to have control efficiency equivalent to or greater than the above and approveo by the Commissioner.

(7) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to subdivision (f) (6) shall provide, properly install, and maintain in calibration, in good working order, and in operation, devices or procedures as specified by the Commissioner for indicating and recording temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(8) Any person using or supplying organic solvents or any materials containing organic solvents shall supply the Commissioner, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(9) The provisions of subsection (f) shall not apply to:

(i) The use of equipment for which other requirements are specified by subsections (a) through (e) inclusive and subsections (m) through (r) inclusive or which are exempt from air pollution control requirements under those subsections.

(ii) The spraying or other employment of insecticides, pesticides, or herbicides.

(iii) The emission of organic compounds from coating operations where the organic compound portion of the coating solvent is 20 percent or less by weight.

(10) (i) For the purposes of subsection (f), organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(ii) For the purposes of subsection (f), organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

(iii) For the purpose of subdivisions (f) (1) and (f) (4), 85 percent reduction of organic materials emissions shall mean 85 percent reduction of total organic materials present when operations are conducted according to good industrial practice.

(iv) For the purpose of subdivision (f) (2) 85 percent reduction of emissions shall mean 85 percent reduction of photochemically reactive solvent emissions present when operations are conducted according to good industrial practice, utilizing the maximum proportion of photochemically reactive solvent appropriate to such good practice. Substitution of a photochemically unreactive solvent shall be considered 100 percent reduction of the photochemically reactive emissions involved.

(v) For the purposes of subsection (f), a continuous web, strip or wire means a product which contains at least one unbroken web, strip or wire from beginning to end of an article, machine, equipment or other contrivance (or series of) irrespective of the addition of any other materials during processing.

(g) Architectural Coatings.

(1) On or after January 1, 1974, no person shall sell or offer for sale to the final user in containers greater than 1-quart (0.95 liter) capacity any architectural coating or solvent for the purpose of thinning or diluting any architectural coating unless the solvent composition is photochemically unreactive, as defined in subdivision (i) (4).

(2) On or after January 1, 1975, no person shall employ, apply, evaporate, or dry any architectural coating purchased in containers of greater than 1-quart (0.95 liter) capacity unless the solvent composition is photochemically unreactive, as defined in subdivision (i) (4).

(3) On or after January 1, 1975, no person shall thin or dilute for application any architectural coating with a photochemically reactive solvent, as defined in subdivisions (i) (1) and (i) (2), purchased in containers of greater than 1-quart (0.95 liter) capacity.

(h) Exemptions.

If the Commissioner determines that photochemically unreactive solvents are not available for a particular application or class of applications, he may issue an exemption, provided that this shall not prevent the attainment or maintenance of the National Ambient Air Quality Standard for photochemical oxidants.

(i) Classification of solvents.

(1) The following solvents shall be considered photochemically reactive:

(i) Group R1: Any hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones, having an olefinic or cyclo-olefinic type of unsaturation.

(ii) Group R2: Any aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene, phenyl acetate, and methyl benzoate.

(iii) Group R3: Any ketones having branched hydrocarbon structures, and ethylbenzene, trichloroethylene, and toluene.

NO caps

(2) Any solvent mixture will be considered photochemically reactive if the composition of the mixture exceeds any of the following limits by volume:

(i) 5 percent of any combination of chemical compounds in group R1.

(ii) 8 percent of any combination of chemical compounds in group R2.

(iii) 20 percent of any combination of chemical compounds in group R3.

(iv) 20 percent of any combination of chemical compounds in groups R1, R2, and R3.

(3) Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds it shall be considered as a member of the most reactive chemical group, which is, that group having the least allowable percent of the total volume of solvents.

(4) Any solvent not classified in (i)(1) and any solvent mixture which does not exceed any of the limits in (i)(2) shall be considered photochemically non-reactive.

(5) Upon submission of technical evidence concerning the photochemically reactive nature of organic compounds satisfactory to the Commissioner, the Commissioner may add or subtract compounds from the list of photochemically reactive solvents.

(j) Disposal and Evaporation of Solvents.

A person shall not, during any one day, dispose of more than one and one-half gallons (5.7 liters) of any organic solvent or of any material containing more than one and one-half gallons (5.7 liters) of any organic solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(k) Reserved

(l) Metal Cleaning.

(1) Definitions

For the purpose of this subsection:

"Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersion while maintaining the degreasing solvent below its boiling point. Wipe cleaning is not included in this definition.

"Conveyorized degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized degreasing solvents.

"Degreasing solvent" means any volatile organic compound used for metal cleaning.

"Freeboard ratio" means the freeboard height divided by the width of the degreaser.

"Open top vapor degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot degreasing solvent vapor on the colder metal parts.

"Metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning or open top vapor degreasing or conveyorized degreasing.

(2) The provisions of this subsection apply with the following exceptions:

(i) Open top vapor degreasers with an open area smaller than one (1) square meter (10.8 square feet);

(ii) Conveyorized degreasers with an air/vapor interface smaller than 2.0 square meters (21.6 square feet);

(iii) Metal cleaning equipment in operation prior to July 1, 1980 which meets the requirements of subsection (f).

(3) After July 1, 1980 the owner or operator of a cold cleaning facility shall:

(i) equip the cleaner with a cover designed so that it can be easily operated with one hand; and

(ii) equip the cleaner with a facility for draining cleaned parts constructed internally so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system; and,

(iii) store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party, in a manner such that greater than 20 percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere; and,

(iv) close the cover whenever parts are not being handled in the cleaner; and,

(v) drain the cleaned parts for at least 15 seconds or until dripping ceases; and,

(vi) If used, supply a degreasing solvent spray that is a solid fluid stream (not a fine, atomized or shower type spray) at a pressure which does not cause excessive splashing.

(4) After July 1, 1980, the owner or operator of an open top vapor degreaser shall:

(i) equip the vapor degreaser with a cover that can be opened and closed easily without disturbing the vapor zone; and,

(ii) provide the following safety switches:

(a) A condenser flow switch and thermostat which shut off the heat if the condenser coolant is either not circulating or is too warm; and,

(b) A spray safety switch which shuts off the spray pump if the vapor level drops more than 10 centimeters (4 inches) below the lowest condensing coil; and,

(iii) install one of the following control devices:

(a) Powered cover, if the freeboard ratio is greater than or equal to 0.75, and if the degreaser opening is greater than 1 square meter (10 square feet); or,

(b) Refrigerated chiller; or,

(c) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser); or,

(d) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area (when cover is open), and exhausting less than 25 parts per million of degreasing solvent averaged over one complete adsorption cycle; or

(e) A control system, demonstrated to have control efficiency equivalent to or greater than any of the above, and approved by the Commissioner; and,

(iv) Keep the cover closed at all times except when processing work loads through the degreaser; and,

(v) Store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party, such that greater than 20 percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(5) After July 1, 1980 the owner or operator of a conveyorized degreaser shall:

(i) Install one of the following control devices:

(a) Refrigerated chiller; or,

(b) Carbon adsorption system, with ventilation greater than or equal to 15 cubic meters per minute per square meter (50 cubic feet per minute per square foot) of air/vapor area (when downtime covers are open), and exhausting less than 25 parts per million of degreasing solvent by volume averaged over a complete adsorption cycle; or,

(c) A system, demonstrated to have a control efficiency equivalent to or greater than the above and approved by the Commissioner; and,

(ii) Provide the following safety switches:

(a) A condenser flow switch and thermostat which shuts off the heat if the condenser coolant is either not circulating or too warm; and,

(b) A spray safety switch which shuts off the spray pump or the conveyor if the vapor level drops more than 10 centimeters (4 inches) below the lowest condensing coil; and,

(iii) Store waste degreasing solvent only in covered containers and not dispose of waste degreasing solvent or transfer it to another party such that greater than 20 percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(m) Can coating

(1) For the purpose of this subsection:

"End sealing compound" means a synthetic rubber compound which is coated on to can ends and which functions as a gasket when the end is assembled on the can.

"Exterior base coating" means a coating applied to the exterior of a can to provide exterior protection to the metal and to provide background for the lithographic or printing operation.

"Interior base coating" means a coating applied by roller coater or spray to the interior of a can to provide a protective lining between the can metal and product.

"Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

"Overvarnish" means a coating applied directly over ink to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

"Three-piece can side-seam spray" means a coating sprayed on the exterior and interior of a welded, cemented or soldered seam to protect the exposed metal.

"Two-piece can exterior end coating" means a coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

(2) The owner or operator of a can coating facility shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of;

(i) 0.34 kilograms per liter of coating (2.8 pounds per gallon), excluding water, delivered to the coating applicator from sheet basecoat (exterior and interior) and overvarnish or two-piece can exterior (basecoat and overvarnish" operations.

(ii) 0.51 kilograms per liter of coating (4.2 pounds per gallon), excluding water, delivered to the coating applicator from two- and three-piece can interior body spray and two-piece can exterior end (spray or roll coat) operations.

(iii) 0.66 kilograms per liter of coating (5.5 pounds per gallon), excluding water, delivered to the coating applicator from three-piece can side-seam spray operations.

(iv) 0.44 kilograms per liter of coating (3.7 pounds per gallon), excluding water, delivered to the coating applicator from end sealing compound operations.

(n) Coil Coating.

(1) For the purpose of this subsection:

"Coil coating" means the coating of any flat metal sheet or strip that comes in rolls or coils.

(2) The owner or operator of a coil coating facility shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.31 kilograms per liter of coating (2.6 pounds per gallon), excluding water, delivered to the coating applicator from prime and topcoat or single coat operations.

(o) Fabric and vinyl coating.

(1) For the purpose of this section;

"Fabric coating" means the coating of a textile substrate with a knife, roll or rotogravure coater to impart properties that are not initialy present, such as strength, stability, water or acid repellancy, or appearance.

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Rotogravure coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

"Vinyl coating" means applying a decorative or protective topcoat, or printing on vinyl coated fabric or vinyl sheets.

(2) The owner or operator of a fabric coating line or a vinyl coating line shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of;

(i) 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water, delivered to the coating applicator from a fabric coating line.

(ii) 0.45 kilograms per liter of coating (3.8 pounds per gallon), excluding water, delivered to the coating applicator from a vinyl coating line.

(p) Metal furniture coating.

(1) For the purpose of this section:

"Application area" means the area where the coating is applied by spraying, dipping, or flowcoating techniques.

"Metal furniture coating" means the surface coating of any furniture made of metal or any metal part which will be assembled with other metal, wood, fabric, plastic or glass parts to form a furniture piece.

(2) The owner or operator of a metal furniture coating line shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.36 kilograms per liter of coating (3.0 pounds per gallon), excluding water, delivered to the coating applicator from prime and topcoat or single coat operations.

(g) Paper coating.

(1) For the purpose of this subsection:

"Knife coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate.

"Paper coating" means coatings put on paper and pressure sensitive tapes regardless of substrate by knife, roll or rotogravure coating. Related web coating processes on plastic film and decorative coatings on metal foil are included in this definition.

"Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls.

"Rotogravure coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

(2) The owner or operator of a paper coating facility shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.35 kilograms per liter of coating (2.9 pounds per gallon), excluding water, delivered to the coating applicator from a paper coating line.

(r) Wire coating.

(1) For the purpose of this section:

"Wire coating" means the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

(2) The owner or operator of a wire coating oven shall not cause or permit the discharge into the atmosphere of any volatile organic compounds in excess of 0.20 kilograms per liter of coating (1.7 pounds per gallon), excluding water, delivered to the coating applicator from wire coating operations.

(s) through (z) Reserved

(aa) Applicability.

The provisions of subsections (m) through (r) inclusive apply to any article, machine, equipment or other contrivance which emits volatile organic compounds in excess of 8 pounds in any one hour or in excess of 40 pounds in any one day.

(bb) Compliance methods.

The owner or operator of a stationary source subject to subsections (m) through (r) inclusive shall achieve the emission limit under the appropriate paragraph by:

(i) The application of low solvent content coating technology; or,

(ii) Incineration, provided that 90 percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water; or,

(iii) A system demonstrated to have control efficiency equivalent to or greater than the above and approved by the Commissioner.

(cc) Alternative emission reductions.

(1) The owner or operator of a stationary source subject to the provisions of subsections (m) through (r) inclusive may submit for the consideration of the Commissioner an alternative emission reduction plan which would achieve the same net emission reduction as the owner or operator would achieve by having each emission source comply with the prescribed emission limitations provided in these regulations. Approval of the alternative plan is discretionary with the Commissioner, but at a minimum, the owner or operator of the stationary source must demonstrate that:

(i) By means of an approved material balance or acceptable emission test, sufficient reductions in volatile organic compound emissions will be obtained by controlling other existing emission sources of similar volatile organic compounds within the stationary source to the extent necessary tc compensate for all excess emissions which result from one or more emission sources not achieving the prescribed emission limitation. This demonstration must be submitted in writing and must include:

(a) A description of the emission source or sources which will not comply with the prescribed emission limitations,

(b) Pounds per hour of volatile organic compounds emitted which are in excess of permissible emissions for each emission source,

(c) A description of each emission source and the related control systems, if any, for those emission sources within the stationary source where emissions will be decreased to compensate for excess emissions from each emission source,

(d) Pounds per hour of volatile organic compounds, for each emission source both before and after the improvement or installation of any applicable control system, or any physical or operational changes at the facility to reduce emissions and the date on which these reductions will be achieved; and

(e) A description of the procedures and methods used to determine the emissions of volatile organic compounds; and

(ii) The alternative emission reduction plan does not include decreases in emissions resulting from requirements of other applicable air pollution regulations. The alternative emission reduction plan may include decreases in emissions accomplished through installation or improvement of a control system or through physical or operational changes at the stationary source such as increased transfer efficiencies;

(iii) The alternative emission reduction plan does not include provisions for the trade off of any volatile organic compound such as benzene which the administrator has determined to be a hazardous material;

(iv) The alternative emission plan does not delay or defer the compliance deadlines for any emission source or sources.

(2) The implementation of an alternative emission reduction plan instead of compliance with the emissions limitation prescribed in subsections (m) through (r) must be expressly approved by the Commissioner through the issuance of an order in accordance with the provisions of section 19-508-12. After approval, any emissions in excess of those established for each emission source under the plan will be a violation of these regulations.

(3) Where it can be shown to the satisfaction of the Commissioner that an emission source cannot be controlled to comply with subsections (m) through (r) inclusive of this section for reasons of technological and economic feasibility, the Commissioner may accept a lesser degree of control upon the submission of satisfactory evidence that the stationary source owner has applied reasonably available control technology and has a plan to develop the technologies necessary to comply with the above subsections.

(dd) Seasonal operation of afterburners.

(1) The owner or operator of any stationary source which uses a natural gas-fired afterburner to meet the requirements of subdivisions (f)(1), (f)(2), (f)(4) or subsections (m) through (r) inclusive may petition the Commissioner for permission to discontinue the operation of the afterburner during the months of December, January, and February. The owner or operator shall submit the petition in writing and shall include the following information:

(i) Information on the nature and location of the facility or process for which the application is made;

(ii) The type and quantity of emissions that will occur during the period of shutdown;

(iii) The quantity of natural gas saved, as a result of the shutdown;

(iv) Any other relevant information the Commissioner may request in order to make a determination regarding the petition.

(2) The owner or operator of any stationary source for which a petition has been submitted in accordance with subdivision (dd)(1) shall:

(i) publish by prominent advertisement in the region affected a notice that the petition has been submitted;

(ii) have made available for public inspection for thirty (30) days a copy of the petition.

(3) The Commissioner shall not grant a petition to discontinue the operation of a gas-fired afterburner which:

(i) is required to meet the requirements of any other section of these regulations; or

(ii) will prevent or interfere with the attainment or maintenance of any Federal or State Ambient Air Quality Standard;

(iii) has not met the requirements of subsection (dd)(2).

(4) The Commissioner may attach any reasonable conditions he deems necessary or desirable to any approval of a petition under this subsection, including but not limited to:

(i) Requirements for special control measures to be taken by the owner or operator to minimize emissions during the period of the petition;

(ii) Requirements for periodic reports submitted by the owner or operator relating to emissions, to compliance with any other conditions under which the petition is granted, or to any other relevant information the Commissioner deems necessary.

(5) Following his decision to approve or deny the petition the Commissioner shall cause an order to be issued in accordance with the provisions of Section 19-508-12.

Section 19-508-21

Control of Carbon Monoxide Emissions

(a) No person shall cause or permit the emission of carbon monoxide waste gas generated during the operation of a grey iron cupola, blast furnace or basic oxygen steel furnace unless the waste gas is incinerated in a direct flame afterburner, boiler, or equivalent device at a temperature of 1300°F for a period of not less than three-tenths of a second.

(b) No person shall cause or permit the emission of carbon monoxide waste gas from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere unless the waste gas is incinerated in a direct flame afterburner, boiler, or equivalent device at a temperature of 1300°F for a period of not less than three-tenths of a second.

Section 19-508-22

Control of Nitrogen Oxides Emissions

(a) Fuel Burning Equipment.

(1) No person shall cause or permit the emission of nitrogen oxides, calculated as nitrogen dioxide, from gas-fired fuel burning equipment in excess of 0.2 pounds per million BTU (0.36 gm/10^6 gm-cal) of heat input.

(2) No person shall cause or permit the emissions of nitrogen oxides, calculated as nitrogen dioxide, from oil-fired fuel burning equipment in excess of 0.30 pounds per million BTU (0.54 gm/10^6 gm-cal) of heat input, except that:

(i) For existing fast response double-furnace naval boilers the emission limit is 0.5 pounds per million BTU of heat input; and

(ii) For existing boilers with a cyclone furnace or furnaces the emission limit is 0.9 pounds per million BTU of heat input.

(3) No person shall cause or permit emissions of nitrogen oxides, calculated as nitrogen dioxide from a coal-fired boiler in excess of 0.7 pounds per million BTU of heat input per hour for new sources and 0.9 pounds per million BTU for existing sources.

(4) Subdivisions (a) (1) through (a) (3) inclusive shall apply to all equipment with a maximum capacity rating above 250 million BTU per hour. For equipment rated between 5 and 250 million BTU /hr., these regulations shall apply unless the Commissioner is satisfied that it is not technically or economically feasible for a unit of the size considered. Subdivisions (a) (1) through (a) (4) inclusive shall not apply to stationary gas turbines, stationary internal combustion engines and mobile sources.

(5) No person shall cause or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from a stationary gas turbine in excess of 0.9 pounds per million BTU of heat input.

(b) Nitric Acid Manufacture.

No person shall cause or permit the emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton (2.8 kg./metric) of 100 percent acid produced.

(c) Other Sources.

No non-fuel burning source shall emit nitrogen oxides, calculated as nitrogen dioxide, in excess of 700 parts per million by volume.

Section 19-508-23 has been withdrawn from the SIP

Section 19-508-24

Connecticut Primary and Secondary Standards

(a) Definitions.

(1) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(2) "Reference method" means a method of sampling and analyzing for an air pollutant, as described in subsection (1).

(3) "Equivalent method" means any method of sampling and analyzing for an air pollutant which can be demonstrated to the Commissioner's satisfaction to have a consistent relationship to the reference method.

(b) The concentration of pollutants in the outdoor atmosphere shall conform with levels specified below as the applicable air quality standards for these substances throughout Connecticut. These standards shall not be construed to permit any deterioration of air quality in any portion of the state.

(c) Reference conditions.

All measurements of air quality are corrected to a reference temperature of 20°C and to a reference pressure of 760 millimeters of mercury (1,013.2 millibars).

(d) Connecticut primary ambient air quality standards for sulfur oxides (sulfur dioxide).

The Connecticut primary ambient air quality standards for sulfur oxides, measured as sulfur dioxide, are:

(1) 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.

(2) 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

(e) Connecticut secondary ambient air quality standards for sulfur oxides (sulfur dioxide).

The Connecticut secondary ambient air quality standards for sulfur oxides, measured as sulfur dioxide, are:

(1) 60 micrograms per cubic meter (0.02 ppm) - annual arithmetic mean.

(2) 260 micrograms per cubic meter (0.1 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

(3) 1,300 micrograms per cubic meter (0.5 ppm) - maximum 3-hour concentration not to be exceeded more than once per year.

(f) Connecticut primary ambient air quality standards for particulate matter.

The Connecticut primary ambient quality standards for particulate matter are:

(1) 75 micrograms per cubic meter - annual geometric mean.

(2) 260 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

(g) Connecticut secondary ambient air quality standards for particulate matter.

The Connecticut secondary ambient air quality standards for particulate matter are:

(1) 60 micrograms per cubic meter - annual geometric mean.

(2) 150 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

(h) Connecticut primary and secondary ambient air quality standards for carbon monoxide.

The Connecticut primary and secondary ambient air quality standards for carbon monoxide are:

(1) 10 milligrams per cubic meter (9 ppm) - maximum 8-hour concentration not to be exceeded more than once per year.

(2) 40 milligrams per cubic meter (35 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

(i) Connecticut primary and secondary ambient air quality standards for photochemical oxidants.

The Connecticut primary and secondary ambient air quality standard for photochemical oxidants, measured and corrected for interferences due to nitrogen oxides and sulfur dioxide, is:

160 micrograms per cubic meter (0.08 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

(j) Connecticut primary and secondary ambient air quality standards for hydrocarbons.

The hydrocarbons standard is for use as a guide in achieving oxidant standards.

The Connecticut primary and secondary ambient air quality standard for hydrocarbons is:

160 micrograms per cubic meter (0.24 ppm) - maximum 3-hour concentration (6 a.m. to 9 a.m.) not to be exceeded more than once per year.

(k) Connecticut primary and secondary ambient air quality standard for nitrogen dioxide.

The Connecticut primary and secondary ambient air quality standard for nitrogen dioxide is:

100 micrograms per cubic meter (0.05 ppm) - annual arithmetic mean.

(l) Reference Methods.

The methods to be used are those described in Federal Register Vol. 36, No. 84, Friday, April 30, 1971, PP 8187 - 8201.

Section 19-508-25

Effective Date

(a) The effective date of these regulations shall be June 1, 1972.

(b) On June 1, 1972, sections 19-13-G1 through 19-13-G10 inclusive, section 19-13-G13, sections 19-13-G17 through 19-13-G19 inclusive, sections 19-13-G21 through 19-13-G30 inclusive, sections 19-13-G37 and 19-13-G38 shall expire.

(c) On June 1, 1973, sections 19-13-G11 and 19-13-G12, sections 19-13-G14, 19-13-G15, and 19-13-G20, and sections 19-13-G31 through 19-13-G36 inclusive shall expire.

Section 19-508-100

Permits for Construction of Indirect Sources

(a) Definition of an indirect source and applications for indirect source construction permits.

(1) Notwithstanding the definition of indirect source in Section 19-508-1, for the purpose of this section an indirect source of air pollution means:

(i) Any new highway or new location in the state highway system, except projects for bridge replacement or elimination of railroad crossing hazards.

Any new highway
or new

(ii) Any new expressway interchange service added to the state highway system, or

(iii) Any new lane, greater than a mile in length and connecting either signalized intersections or expressway interchanges, added to the state highway system.

(2) Those new or modified indirect sources which are not required to obtain an indirect source permit under subsection (a) (1) shall, upon request of the Commissioner, furnish information to him which may be of a type and form similar to that required of applicants for indirect source permits.

(3) The Commissioner may publish and from time to time revise guidelines which will assist owners or operators of new or modified indirect sources in determining whether they are required to obtain an indirect source permit under subsection (a) (1), or whether they may be required to furnish information to the Commissioner under subsection (a)(2).

(4) Application for an indirect source construction permit shall be made by the owner or operator of the proposed indirect source on forms furnished by the Commissioner. Each application shall include siting information; descriptions of the structures, facilities, or installations involved; the nature, source and quantity of uncontrolled and controlled emissions;

traffic flow information; the proximity of the indirect source to existing and projected transportation services; and such other information as the Commissioner may require.

(5) No new or modified indirect source shall be exempt from the permit requirements of this subsection because of a division of ownership or because of the pattern or timing of development.

(6) For the purpose of determining whether construction or modification of an indirect source was commenced prior to October 1, 1974, construction or modification shall be deemed to have commenced for any portion of an indirect source when site preparation, including clearing and grading is complete and the following four steps have also been completed:

(i) Detailed plans of the proposed indirect source are available and have received all necessary approvals required by Federal, State or local statutes, ordinances, regulations or procedures;

(ii) Environmental impact statements have been prepared and reviewed as required by Federal or State statutes, regulations or procedures;

(iii) All necessary building permits for site preparation and foundation construction have been issued in accordance with State or local statutes, ordinances, regulations or procedures;

(iv) The installation of structural components or materials has started as part of a continuous program of construction.

(b) Standards for Granting Indirect Source Permits.

(1) A stage 1 indirect source permit review shall be a transportation system level review. Prior to July 1, 1980 no stage 1 indirect source permit shall be required. After July 1, 1980 no stage 1 indirect source permit shall be granted until the Commissioner finds, upon evidence submitted by the applicant or otherwise made part of the application record, that the new or modified source for which a permit is requested is:

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(i) A part of a regional or statewide plan deemed to be in conformance with the most currently federally approved state implementation plan, or

(ii) A part of a plan deemed to be in nonconformance with the state implementation plan, but determined to be exempt from the nonconformance restrictions placed on that plan.

(2) A stage II indirect source permit review shall be transportation corridor level review. No stage II indirect source permit shall be granted until the Commissioner finds, upon evidence submitted by the applicant or otherwise made part of the application record, that

(i) The impact of the new or modified source on the corridor in which the source is to be located will meet all applicable state and national ambient air quality standards not addressed in the stage I permit review, for which there is an impact analysis methodology acceptable to the Commissioner, and

(ii) After July 1, 1980 a stage I indirect source permit has been granted for the new or modified source.

A stage II indirect source permit shall be valid for one year after issuance. However, upon adoption by the Commissioner of a methodology for assessing compliance with any state or national ambient air quality standards for particulate matter and lead, a stage II indirect source permit shall be valid until such time as a stage III permit is issued.

(3) A stage III indirect source permit review shall be a project level review. No stage III indirect source permit shall be granted until the Commissioner finds, upon evidence submitted by the applicant or otherwise made part of the application record, that a stage II indirect source permit has been granted for the new or modified source and is valid at the time of application for the stage III permit, and that, (i) for each intersection impacted by the new or modified source no violations of the applicable carbon monoxide standards will result where such violations do not presently exist, or (ii) where violations of the applicable carbon monoxide standards do exist, the new or modified indirect source will not exacerbate (increase by more than 0.5 parts carbon monoxide per million parts of air, by volume) any existing violation of the carbon monoxide standard. For purposes of this subdivision (b)(3), the determination as to whether or not violations of the applicable carbon monoxide standards will result where such violations do not presently exist, and the determination as to whether or not existing violations of applicable carbon monoxide standards will be exacerbated, shall be based upon an assessment of the concentrations of carbon monoxide predicted to occur at all times beyond one year after the estimated date of completion.

(c) Action on Applications for Indirect Source Permits.

(1) An application will not be deemed to have been received by the Commissioner until all information, papers and documents required in support of the application have been submitted in proper form. The Commissioner shall acknowledge the receipt of an application within ten (10) working days. In cases in which the Commissioner deems that not all information, papers, and documents required of the application have been submitted in proper form the Commissioner shall so notify the applicant within ten (10) working days of the submission of such information, papers and documents.

(2) (i) For a stage I indirect source permit, the Commissioner shall render a decision within 5 working days of acknowledgement of receipt of a stage I permit application.

(ii) For a stage II indirect source permit and a stage III indirect source permit, the Commissioner shall complete the preliminary evaluation of the air quality data contained in the application for any permits within 30 working days of acknowledgement of receipt of the applications.

(3) Notwithstanding the provisions of subsection (c) (4), the Commissioner shall not issue a decision approving or denying an application for either a stage II or a stage III indirect source permit until the applicant:

(i) shall have made available for thirty (30) calendar days, in the region in which the proposed construction or modification will be located, a copy of the application and a copy of the Commissioner's preliminary evaluation of the air quality data contained in the application and shall provide for receipt and consideration of public comment during the thirty (30) calendar day period.

(ii) shall have published by prominent advertisement in the region affected a notice of the location of the application, the availability of the commissioner's preliminary evaluation specified in subsection (c) (2) (ii), above, and the procedure available to the public to file comments, and

(iii) shall have submitted to the Commissioner an affidavit certifying that the conditions of subsections (c) (3) (i) and (c) (3) (ii) have been met.

(4) Except where a public hearing is held under subdivision (a) (4), the Commissioner shall inform an applicant for either a stage II or a stage III indirect source permit of the decision of the Commissioner approving or denying the application within ten (10) working days of the close of the public comment period specified in subdivision (c) (3) (i). The Commissioner may, on notice to the applicant, extend the time for acting on the application an additional thirty (30) working days, to a total time of forty (40) days.

(5) When a public hearing is held under subdivisions (h) (4) on an application for an indirect source permit, the Commissioner shall inform the applicant of the decision approving or denying the application within thirty (30) working days following receipt of the record of the hearing.

(6) The Commissioner shall briefly set forth in any notice of approval or denial of an application for an indirect source permit the basis for the determination.

(7) The Commissioner may impose any reasonable requirements, standards, or conditions upon approval of any permit.

(d) Revocation or Modification of Indirect Source Permits.

(1) The Commissioner may revoke or modify an indirect source permit if:

(i) Prior to the commencement of construction or modification authorized by the permit it is determined by the Commissioner that the new or modified indirect source is in non-compliance with the conditions of the permit; or

(ii) The construction or modification authorized by the permit is not begun within five years from the date of issuance of the stage III indirect source construction permit, or such other period as is allowed by the permit; or

(iii) During construction or modification, work is suspended for one year or more, or for such other period as is specified in the permit.

(2) For the purposes of subdivision (d)(1), if by order of a court of competent jurisdiction the construction or modification authorized by the permit is not begun or is suspended, then the period of such court-ordered delay shall not be included in the time period allowed by the permit.

(3) If construction of the new or modified source will not be undertaken within the time period specified in the stage III indirect source permit, the holder of such permit shall apply for renewal of the permit at least forty-five (45) calendar days prior to the expiration date of said permit.

(e) Transfer of Indirect Source Permits.

The holder of an indirect source permit may not transfer it without prior written notification to the Commissioner. Each new owner or operator or holder of the indirect source permit shall be responsible for complying with all applicable regulations and with the conditions of the permit.

(f) Notice of Approval, Denial, Revocation or Modification of Indirect Source Permits.

(1) Notice of denial, revocation or modification of any indirect source permit shall set forth the reasons for the action taken and such denial, revocation or modification shall take final effect thirty (30) days after the date of service of the notice, unless a hearing is requested prior to the expiration of the thirty (30) day period.

(2) Any party aggrieved by the approval, denial, revocation or modification of a permit may obtain an adjudicative hearing thereon by filing a written answer and request for a hearing in accordance with Section 22a-8-a of the Rules of Practice of the Department within thirty (30) days of the date of service of the notice.

(3) The revocation or modification of an indirect source permit pursuant to subsection (d) shall not be effective if the failure to comply with the requirements is remedied to the satisfaction of the Commissioner within thirty (30) calendar days after service of the notice of revocation or modification.

(g) Public Information and Hearing Procedures.

(1) In all cases where there is a requirement of legal notice the Commissioner shall cause the applicant for an indirect source permit to publish at his own expense all notices of hearings and other notices required by law.

(2) The Commissioner shall inform the public of:

(i) All indirect source permit applications received;

(ii) All decisions approving, denying, revoking, or modifying any indirect source permit.

(3) While a decision is pending on an indirect source permit application any person may file a written comment or may file a written objection setting forth the basis of the objection in detail and opposing the approval of the permit in its entirety or requesting that specific conditions be attached to it. Objection may be accompanied by a request for hearing.

(4) A public hearing on either a stage II or a Stage III permit application may be held by the Commissioner:

(i) Pursuant to a request for a hearing according to subsection (g)(3);

(ii) Whenever it is required by these regulations or by any applicable state or federal law;

(iii) At the discretion of the Commissioner; or

(iv) Upon the request of any municipality.

Any public hearing required by this regulation may be held as part of a public hearing required by other state or federal laws or regulations. Following the close of the hearing, the Commissioner shall make a decision based on all available evidence, including the record of the hearing and the recommendation of the hearing examiner, if any, as to whether to approve or deny the indirect source permit. Notice of such decision shall be published according to subsection (g) (2).

(h) Signature.

No indirect source permit issued under this section shall be effective until the applicant or his duly authorized representative shall have signed the permit, which signature shall constitute an agreement to abide by any terms and conditions therein.

(i) Local and Regional Participation in Indirect Source Review.

(1) Upon the request of the governing body of any municipality or other political subdivision, the Commissioner may designate the municipal planning and zoning agency, the regional planning agency, or any other responsible municipal or regional agency or official as the designee of the municipality for the purpose of making comments and recommendations on applications for indirect source construction permits.

(2) The Commissioner may publish and revise, from time to time, guidelines which shall assist the designated agencies in assessing the impact of any proposed indirect source on the development or resource allocation goals of the municipality or region.

(3) In addition to the other evaluations made pursuant to this section, the Commissioner may evaluate the effect of the proposed construction or modification upon any plan for the development or plan for resource allocation proposed by the municipality or region.

(4) The Commissioner shall submit a copy of the application for an indirect source permit along with his evaluation and analysis, to the designated agency of any affected municipality for its review. Any designated agency wishing to make comments or recommendations with regard to a pending application must respond within thirty (30) working days following its receipt of the application from the Commissioner.

(5) Upon request of any municipality which has a designated agency under the provisions of subsection ( ) (1), the Commissioner may assist the municipality in formulating a plan for development or a plan for air resource allocation for the purpose of allowing the municipality and region to maximize the benefits of its utilization of the air resource within the limits imposed by air quality considerations.

(6) The Commissioner may establish an indirect source advisory committee composed of municipal and regional officials to advise the Commissioner on procedures concerning the evaluation of indirect source permits and to assist the Commissioner in fostering increased municipal and regional cooperation in attaining and maintaining applicable ambient air quality standards,

Department of Motor Vehicles

Periodic Motor Vehicle Emissions Inspection and Maintenance

Section 14-164c

1. Policy and Legal Authority. These regulations are promulgated pursuant to the authority granted to the Commissioner of motor vehicles under Section 14-164c of the Connecticut General Statutes.

2. Abbreviations used herein shall be as follows:

   (a) CGS means Connecticut General Statutes

   (b) CO means carbon monoxide

   (c) HC means hydrocarbon

   (d) NDIR means non-dispersive infra-red

   (e) PPM means parts per million by volume

   (f) RPM means revolutions per minute

   (g) VIN means vehicle identification number

   (h) VIR means vehicle inspection report

3. Definitions.

   (a) "Certificate of Inspection" means that part of the vehicle inspection report certifying the vehicle has been inspected.

   (b) "Commissioner" means commissioner of motor vehicles or his designee.

   (c) "Compliance" means meeting exhaust emissions standards and requirements concerning proper maintenance of air pollution control system or mechanisms, or waiver of such requirements and standards.

   (d) "Contractor or Independent Contractor" means any person, business firm, partnership or corporation with whom the commissioner may enter into an agreement providing for the construction, equipment, maintenance, staffing, management and operation of official emissions inspection stations.

   (e) "Dealer" includes any person who is actively engaged in buying, selling, or exchanging motor vehicles or trailers and who has an established place of business in this state and who may incidental to such business, repair motor vehicles or trailers, or cause them to be repaired by persons in his employ.

(f) "Diagnostics" means the identification of the problem area as to why the vehicle is not meeting emissions standards.

(g) "Emissions Inspector" means an individual employed by the independent contractor or a fleet emission station qualified to conduct inspections.

(h) "Excessive Idle" means idle RPM is in excess of the manufacturer's suggested idle RPM plus the number of RPM tolerance in the standards established by the Commissioner of the Department of Environmental Protection.

(i) "Exhaust Emissions" means products of combustion emitted into the atmosphere from any opening downstream of the exhaust ports of a motor vehicle engine.

(j) "Fail Mark" means a mark indicated on a vehicle inspection report which signifies the vehicle did not meet emission program requirements.

(k) "Failure and Repair Report" means that part of the vehicle inspection report describing the nature of the failure and the repairs made to correct the reason for failure.

(l) "Fleet" means a group of twenty-five or more owned or leased motor vehicles subject to emissions inspection pursuant to Subsection (c) of Section 14-164c of the Connecticut General Statutes, owned or leased by one person, firm, corporation, or governmental entity.

(m) "Fleet Emissions Inspection Station" means an inspection station owned or leased by the owner or operator of a fleet and licensed by the commissioner for conducting emission inspections of its own fleet vehicles.

(n) "Four-Stroke Cycle Engine" means an engine that provides a power pulse in each cylinder and/or combustion space for every two revolutions of engine crankshaft.

(o) "Idle Mode Test" means an exhaust emissions test conducted with the transmission in "neutral" or "park", and engine idling at manufacturer's suggested idle RPM.

(p) "Idle RPM" means the manufacturer's suggested idle RPM plus the number of RPM tolerance in the standards established by the Commissioner of Environmental Protection.

(q) "Initial Inspection" means the first emissions inspection of a vehicle.

(r) "Inspection" means the mandatory vehicle emissions inspection. The term includes "Initial Inspection and

Reinspection" after repairs.

(s) "Model-Year" means the year designated on the manufacturer's certificate of origin or Connecticut certificate of title.

(t) "New Motor Vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred by a manufacturer, distributor or dealer to an ultimate consumer.

(u) "Official Emission Inspection Station" means an exhaust emissions inspection facility, whether placed in a permanent structure or in a mobile unit for conveyance among various locations within this state, for the purpose of conducting exhaust emissions inspections of all vehicles required to be inspected pursuant to this chapter, except those vehicles inspected at a fleet emissions inspection station.

(v) "Pass-Mark" means a mark indicated on the VIR which signifies the vehicle has met program requirements.

(w) "Reinspection" means an inspection conducted subsequent to a finding of failure to be in compliance at an initial inspection and subsequent to the completion of vehicle repairs.

(x) "Standard Gases" means gases maintained as a primary standard for determining the composition of working gases and/or accuracy of analyzers.

(y) "State" means the State of Connecticut.

(z) "Sticker" means an adhesive label applied to the inside of the windshield which when applied will show through the windshield to signify compliance with emissions inspection requirements.

(aa) "Two-Stroke Cycle Engine" means to provide a power pulse in each cylinder and/or combustion space for each revolution of the engine.

(bb) "Vehicle or Motor Vehicle" means any vehicle which is propelled or drawn by any power other than muscular, except aircraft, motorboats, road rollers, baggage trucks used about railroad stations or other mass transit facilities, electric battery operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the course to another, agricultural tractors, farm implements, such vehicles as run only upon rails or tracks, self-propelled snow plows, snow blowers and lawn mowers when used for the purpose for which they were designed and operated at speeds not exceeding four miles per hour, whether or not the opertor rides on or walks behind such equipment, bicycles with helper motors as defined in Section 14-286 of the Connecticut General Statutes, and any other vehicle not suitable for operation on a highway.

(cc) Vehicle Description Information" means the information describing the vehicle such as identification number, make, registration class and registration number, year of vehicle and name of registrant.

(dd) "Vehicle Inspection Report" means a document issued by the commissioner which, when validated by a pass or fail mark constitutes proof of inspection. Waiver, failure and repair report, diagnostics, vehicle test results, vehicle description information, and certificate of inspection are all parts constituting the vehicle inspection report.

(ee) "Vehicle Operator" means the person driving the vehicle to the inspection station.

(ff) "Vehicle Owner" means any person, firm, corporation or association holding title to a motor vehicle, or having legal right to register the same, including purchasers under conditional bills of sale.

(gg) "Vehicle Test Results" means the measured amount of hydrocarbon and carbon monoxide being emitted by the vehicle, and/or the engine idle RPMs.

(hh) "Waiver" means the procedure that allows a vehicle to be treated as if it were in compliance with Section 14-164c of the Connecticut General Statutes, when proof is submitted that the cost to bring the vehicle into compliance would be unreasonable.

(ii) "Working Gases" means gases maintained by a facility to perform periodic calibration of emission analyzers.

4. The State Inspection Requirement.

(a) Effective January 2, 1981, the owner or person in lawful custody of any motor vehicle registered in this state, and designated a 1968 or later model which is not within the exempted classes of motor vehicles set forth in Subsection (c) of Section 14-164c of the CGS shall present such motor vehicle annually for inspection at such time as called for in a schedule established by the commissioner.

(b) Effective January 1, 1982, the owner or person in lawful custody of any motor vehicle registered in this state, and designated a 1968 or later model which is not within the exempted classes of motor vehicles set forth in subsection (c) of section 14-164c of the CGS, shall present such motor vehicle for an annual inspection at such time as provided in an inspection schedule established by the commissioner. The purpose of such inspection shall be to determine whether such vehicle is in compliance withthe exhaust emission standards as defined by the Commissioner of Environmental Protection. The commissioner may fix a time for such inspection other than the date established in such schedule when evidence satisfactory to him is presented showing that an inspection during the scheduled period would result in significant inconvenience or undue hardship.

(c) Used motor vehicles not otherwise exempt from the inspection which are not in compliance with this state's emissions inspection program shall be presented for inspection prior to the issuance of a permanent registration for such used motor vehicle.

5. Deactivation of Air Pollution Control System or Mechanism.

(a) Any motor vehicle presented for inspection which is required, pursuant to the regulations of the Commissioner of Environmental Protection as authorized by Section 14-164c of the CGS, to be equipped with an air pollution control system or mechanism shall be deemed to have failed such inspection if such system or mechanism is found to have been removed, to have been dismantled or otherwise inoperable. Any motor vehicle failing inspection pursuant to this section shall pass a reinspection within thirty days of such failure or subject the owner thereof to revocation of registration for such vehicle as provided for in Section 14-164c of the CGS.

(b) A visual inspection of auto pollution control equipment will not be required. However, obvious violations of Subsection (a) of Section 14-164c of the CGS observed by the contractor will be reported to the on site state representative and a violation notice will be issued by the Department of Motor Vehicle personnel.

6. The Mandatory Vehicle Emissions Inspection. Mandatory vehicle emissions inspection, whether an initial inspection or a reinspection, shall be performed in accordance with the following procedures:

(a) An exhaust emissions inspections shall be conducted by measuring the exhaust emissions from the vehicle as prescribed below and comparing them with the exhaust emissions standards as defined by the Commissioner of Environmental Protection.

(b) Vehicles having the following hazardous conditions shall not be admitted for exhaust emissions inspections:

(1) An exhaust system with obvious leakage or any other condition which could, in opinion of the inspector,

affect the validity of the exhaust emissions test.

(2) Vehicles with excessive oil leaks, fuel leaks, or coolant leaks.

(3) Emission of visible air pollutants for longer than five consecutive seconds.

(c) Operators of vehicles not admitted for any of these conditions shall not be assessed an inspection fee. Rejection of a vehicle under any or all of these conditions shall not be construed as a release from the requirement to obtain an inspection within the time prescribed by Section 14-164c-4 of these regulations.

(d) All vehicles shall be inspected at the idle mode. Pass or fail shall be at the idle mode. The idle mode test shall be conducted with a tachnometer hook-up to the engine and by placing an emissions sampling probe into the tailpipe and analyzing exhaust emissions at the idle RPM as determined by the Commissioner of Environmental Protection, with the vehicle transmission in neutral or park.

(e) All rotary piston engines shall be treated in the same manner as engines with four or fewer cyliners.

(f) All turbine engines shall be treated as having more than four cylinders.

(g) Testing of engines with dual exhausts shall be made utilizing manifold probes for sampling all exhausts simultaneously. The manifold probes shall draw off equal volumes of samples from each exhaust. For vehicles with more than two exhausts, two separate readings may be taken and the readings averaged to determine exhaust emissions.

7. Procedure for vehicles which are in compliance at the time of inspection.

(a) Vehicles in compliance with inspection standards (whether an initial inspection or a reinspection) shall have a pass mark indicated on all copies of the VIR at the termination of the inspection.

(b) An inside sticker shall be affixed to the lower right hand corner, passenger side of the windshield of the vehicle.

(c) The pass marks and stickers shall be of a design and nature as stipulated by the commissioner.

(d) The contractor shall be responsible for affixing the stickers to the windshield and for the safeguarding and use of the pass marking devices and stickers.

(e) Pass marking devices shall be used by only qualified emissions inspectors employed at an inspection station and shall not be used for any purpose other than marking certificates of inspection of vehicles in compliance.

8. Procedures for vehicles not in compliance at initial inspection.

(a) After January 1, 1981, except as provided in Section 14-164c-5 of these regulations, vehicles subject to annual emissions inspection, in accordance with a schedule established by the commissioner, that do not meet the exhaust emissions standards or idle RPM as defined by the Commissioner of Environmental Protection shall have a fail mark indicated on all copies of the VIR at the termination of the inspection. One copy of the VIR shall be given to the operator of the vehicle and a compliance sticker issued.

(b) On or after January 1, 1982 operators of vehicles subject to annual emissions inspections in the State of Connecticut that do not meet the exhaust emissions standards as defined by the Commissioner of Environmental Protection when presented for inspection shall be issued a VIR with a failed mark.

(c) The VIR shall contain the following as a minimum:

(1) The test serial number.

(2) The date of the test.

(3) The vehicle identification number.

(4) The make of the vehicle.

(5) Emissions test results and standards for that vehicle.

(6) The nature of the failure.

(7) Instructions that the report is to be returned to the emissions inspection station for reinspection. Any vehicle not accompanied by a VIR will not receive a reinspection.

(8) Space to indicate repair by drivers-owner (if so accomplished).

(9) Space to indicate repair by a garage or repair facility. (name, address and license number).

(10) Space to indicate cost of new parts and labor for emissions related repairs.

(11) Space to indicate the emission related repair performed.

(12) Space to indicate waiver condition and cost of emission related repairs exceeding seventy dollars.

(13) Class code, registration number, and registered owner's name.

(14) Year of vehicle.

(15) Manufacturer's suggested idle RPM.

(16) Actual idle RPM reading.

9. Reinspection of vehicles not in compliance at the initial inspection.

(a) Effective January 1, 1982, a reinspection shall be required of every vehicle not meeting the requirements of Section 14-164c-6 of these regulations. No vehicle shall be eligible for reinspection unless a VIR is presented showing that the required repairs have been made.

(1) A vehicle meeting the requirements of Section 14-164c-6 of these regulations at the time of reinspection shall have a pass mark indicated on all copies of the VIR at the termination of the reinspection and a pass sticker affixed to the windshield. One copy of the VIR shall be given to the operator of the vehicle.

(b) An operator of a vehicle failing reinspection pursuant to Sections 14-164c-5 or 14-164c-6 of these regulations at the time of reinspection shall receive a VIR.

(c) Anyone failing reinspection and not issued a waiver shall again meet the initial requirements of Subsection (b) of Section 14-164c-4.

10. Requirements for inspection equipment and personnel.

(a) Each official emissions inspection station shall be equipped with emission analyzers approved by the commissioner.

(b) All testing equipment and instrumentation shall be maintained in good condition. Instruments requiring periodic calibration shall be calibrated in accordance with instructions and recommendations by the Department of Environmental Protection. A record of calibrations performed on each instrument shall be maintained at each official emissions inspection station by the contractor. Such record shall indicate the date and authentication of the emissions inspector performing the calibration and the date of the next scheduled calibration.

(c) The next required calibration date shall be displayed on each emission analyzer.

(d) The instrument calibration records will be subject to review by the Department of Motor Vehicles.

(e) Working gases used by the official emissions inspection station shall be subject to analysis and comparison to the Department of Environmental Protection's standard gases at any time.

(f) Equipment used by the official emissions inspection station in its inspections shall be subject to both scheduled and unscheduled checks for accuracy and condition by the Department of Motor Vehicles.

(g) The sampling and analytical system for exhaust emissions will meet the standards established by the Commissioner of Environmental Protection.

(h) Emissions inspectors shall be competent, as demonstrated by examinations, training, performance, or other standards as the commissioner may prescribe.

(i) Emissions inspectors are prohibited from making any recommendations or estimates relative to repairs.

11. Waivers.

(a) Pursuant to the provisions of Subsection (d) of Section 14-164c of the CGS the commissioner shall issue a certificate of waiver from compliance for vehicles which fail the inspection and which to bring into compliance would require a repair of more than seventy dollars in order to attempt to pass any required emissions inspection test. Any air pollution control device required by state or federal law which has been removed, dismantled or is inoperative shall not be included in the cost.

(b) Any motor vehicle owner or person in lawful custody of a motor vehicle requesting a waiver under this section shall make formal application on such form as the commissioner shall prescribe and shall submit a written estimate of repair cost from a licensed dealer, repairer or limited repairer who certifies to the commissioner that he has qualified personnel and equipment to make the repairs and adjustments to pollution control systems and mechanisms.

(c) The commissioner shall prescribe as a condition to the issuance of any waiver minimum repair requirements including, but not limited to, the undertaking of engine modifications or repairs up to the limit of seventy dollars.

(d) Vehicles meeting the requirements of Subsections (b) and (c) of this Section shall be issued a waiver and compliance sticker by Motor Vehicle Department personnel.

(e) No certificates of waiver from compliance shall be issued for any vehicle which fails an inspection by reason of noncompliance with Section 14-164c-5 of these regulations.

12. Fleet Emissions Inspection Station.

(a) Fleet owner or operator may be licensed if such person has and continuously maintains the accredited equipment at an approved location with qualified personnel necessary to make the required measurements in accordance with procedures prescribed by the commissioner. Such licensee shall certify that the vehicles meet the emissions standards defined by the Commissioner of Environmental Protection. Such certification shall be evidenced by a pass sticker affixed to the lower right hand corner (passenger side) of the windshield. A list of accredited analyzers shall be available from the commissioner.

(b) The commissioner shall establish a per vehicle fee to comply with Subsection (g) of Section 14-164c of the CGS.

(c) The commissioner shall establish policy and procedure for the purpose of maintaining fleet inspection records and shall prescribe the necessary forms to provide proof of compliance and fees collected.

(d) The commissioner may suspend or revoke the fleet emissions inspection station license when as the result of a hearing held in accord with Chapter 54 of the CGS, he finds such licensee no longer meets the minimum requirements for holding such license or violated any law or regulation relating to the conduct of such emission inspection.